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COUNCIL JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF NEBRASKA,

SIXTH SESSION.

BEGUN AND HELD AT OMAHA CITY,

DECEMBER 5, A. D. 1859.

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COUNCIL JOURNAL

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LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF NEBRASKA.

COUNCIL CHAMBER,
Monday, Dec. 5th, 1859.

At the first session of the Sixth Legislative Assembly of the Territory of Nebraska, begun and held at Omaha city, Douglas county, N. T., at 2 o'clock P. M., on Monday, December 5th, 1859,

The Council was called to order by the Clerk.

The roll being called the following gentlemen answered to their names:

Messrs. Boykin, Collier, Doane, Donelan, Furnas, Little, Miller, Porter, Reeves, Scott, Taylor.

All present.

On motion of Mr. Doane,

The Council proceeded to organize temporarily.

On motion of Mr. Miller,

The Hon. Mills S. Reeves was appointed President, pro tem.

On motion of Mr. Miller,

Sterrit M. Curran was appointed Chief Clerk, pro tem.

On motion of Mr. Scott,

E. A. Allen was appointed Assistant Clerk, pro tem.

On motion of Mr. Boykin,

J. Frank Coffman was appointed Sergeant-at-Arms, pro tem.

On motion of Mr. Doane,

R. R. Kirkpatrick was appointed Door Keeper, pro tem.

Mr. Doane moved that a committee of three be appointed to examine the credentials of newly elected members.

Carried.

Messrs. Doane, Miller and Taylor were appointed said committee.

Call of the Council demanded.

Mr. Cheever absent.

Mr. Doane, chairman of the Committee on Credentials made the following report:

The undersigned Committee on Credentials beg leave to make the following report, that the following members of the Council hold over under the election of 1858, to wit: Messrs. Cheever, Doane, Donelan, Dundy, Furnas, Miller, Porter, Reeves, Scott and Taylor, and that the following are the newly elected members apparently, to fill vacancies occasioned by the resignation of Messrs. Bowen, Crawford and Moore, and are entitled to seats in the Council, to wit: Messrs. Boykin of Sarpy county, Collier of Dakota county, and Little of Douglas county.

All of which is respectfully submitted,

Geo. W. Doane,
W. H. Taylor.

Report adopted.

His Hon. J. Sterling Morton, Secretary of Nebraska, administered the oath of office to the newly elected members.

On motion of Mr. Miller,

The Council proceeded to a permanent organization.

Mr. Doane moved that the Council elect their officers viva-voce.

Carried.

Nominations being now in order

Mr. Miller nominated for President the Hon. E. A. Donelan of Cass county.

No other nominations being made, and Mr. Donelan having received a majority of all the votes cast was declared duly elected President.

On motion,

Messrs. Scott and Dundy were appointed a committee to escort the President elect to the chair.

Mr. Donelan made a few appropriate remarks thanking the Council for the honor they had conferred upon him.

Mr. Doane nominated Sterrit M. Curran of Buffalo county, for Chief Clerk.

No other nominations being made, and Mr. Curran having received a majority of all the votes cast was declared duly elected.

Mr. Miller nominated E. A. Allen of Washington county, for Assistant Clerk.

No other nominations being made, and Mr. Allen having received a majority of all the votes cast was declared duly elected.

Mr. Boykin nominated J. Frank Coffman of Douglas county, for Sergeant-at-Arms.

No other nominations being made, and Mr. Coffman having received a majority of all the votes cast was declared duly elected.

Mr. Collier nominated R. R. Kirkpatrick of Dakota county for Doorkeeper.

No other nominations being made, and Mr. Kirkpatrick having received a majority of all the votes cast was declared duly elected.

Mr. Miller nominated William S. Walker of Douglas county, for Enrolling Clerk.

No other nominations being made, and Mr. Walker having received a majority of all the votes cast was declared duly elected.

Mr. Boykin nominated Oscar C. Burnham of Douglas county, for Engrossing Clerk.

No other nominations being made, and Mr. Burnham having received a majority of all the votes cast was declared duly elected.

Mr. Little nominated Frank Lehmer of Douglas county, for Page.

No other nominations being made, and Master Lehmer having received a majority of all the votes cast was declared duly elected.

Mr. Scott moved that the Secretary of the Territory be invited to the Council chamber to administer the oath of office to the officers elect.

Carried.

Whereupon the Hon. J. Sterling Morton, Secretary of the Territory, appeared and administered the oath.

On motion of Mr. Doane,

The Sergeant-at-Arms was instructed to prepare desks and seats for the Reporters,

On motion of Mr. Miller,

A committee of three was appointed to wait upon the House and inform that body that the Council had permanently organized.

Messrs. Miller, Doane, and Reeves were appointed.

Committee reported they had discharged the duty assigned them.

Mr. Porter moved that the rules of the last session be adopted for the regulation of this body during this session.

Carried.

On motion of Mr. Dundy the Council took a recess for 15 minutes.

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5 o'clock P. M.

Council met.

President in the chair.

On motion of Mr. Miller.

The Council adjourned until 10 o'clock to-morrow morning.

S. M. Curran, Chief Clerk.

COUNCIL CHAMBER,
Tuesday, Dec. 6th, 1859.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain of the House.

Journal read and approved.

Mr. Collier moved that the Council now proceed to elect a Chaplain for the ensuing session.

Carried.

Mr. Collier nominated the Rev. Mr. Kuntz of Douglas county.

No other nominations being made, and Mr. Kuntz having received a majority of all the votes cast was declared duly elected.

Mr. Collier introduced the following resolution which was laid over under the rule.

Resolved, That a fireman shall be elected for the present session, whose duties shall be prescribed by the President of the Council, and whose compensation shall not exceed three dollars per day.

Mr. Scott offered the following resolution which was adopted:

Resolved, That a committee of two be appointed to wait upon the Secretary to ascertain what number of papers will be paid for out of the contingent fund, and what officers of the Council are entitled to receive them.

Messrs. Scott and Dundy were appointed said committee.

Mr. Miller on leave introduced

C. B. No. 1, "A bill for an act relative to the transportation of convicts."

Read first time.

The following notices of bills were given:

By Mr. Reeves,

Of a bill to amend the charter of the Nebraska city.

Also,

A bill regulating justices' courts.

By Mr. Taylor,

Of a bill abolishing slavery or involuntary servitude in the Territory of Nebraska.

Also,

A bill for the election of a public printer, and prescribing how the laws shall be printed and bound, and for other purposes.

Also,

A bill to fix the legal rate of interest.

By Mr. Miller,

Of a bill concerning the interest accruing for non-payment of taxes in Douglas county.

By Mr. Scott,

Of a bill for the repeal of the charter of the city of De Soto.

By Mr. Doane,
Of a bill to amend the act to regulate the sale of malt, spirituous and vinous liquors, approved Nov. 4th, 1858.

Messrs. Collier, Lake and Bates, a committee from the House, made the following communication:

That the House is permanently organized by the election of the following officers:

For Speaker—Hon. Silas A. Strickland of Sarpy county.
For Chief Clerk—James W. Moore of Otoe county.
For Assistant Clerk—George W. Rust of Douglas county.
For Sergeant-at-Arms—James W. Coleman of Nemaha county.
For Doorkeeper—N. J. Sharp of Richardson county;

And that the members of the Council are respectfully invited to a seat upon the floor of the House of Representatives to receive any communication that the Executive may have to make to the Legislative Assembly.

Mr. Collier gave notice
Of a bill to incorporate the town of Dixon in Dixon county.
Mr. Scott moved that a committee of three be appointed to wait upon His Excellency Samuel W. Black, the Governor of Nebraska, and inform him that the Council is permanently organized and ready to receive any communication he may have to make.
Carried.

Messrs. Scott, Reeves and Porter appointed said committee.

Mr. Doane gave notice,
Of a bill to incorporate the J. D. M. Crockwell hydraulic and manufacturing company.
Mr. Collier gave notice
Of a bill to incorporate the Zezeka hydraulic association.
On motion of Mr. Miller,
The Council proceeded in a body to the hall of the House of Representatives to hear the Governor's Message.

The Council and House of Representatives in Joint Convention assembled.
President of the Council in the chair.
Mr. Miller moved that a Joint Committee of two on the part of the Council and three on the part of the House be appointed to wait upon His Excellency the Governor, and inform him that both Houses of the Legislative Assembly were now assembled in Joint Convention, and were ready to receive any communication he might wish to make.
Carried.
Messrs. Miller and Reeves were appointed on the part of the Council, and Messrs. Goshen, Johnson, Marquette, were appointed on the part of the House.

The committee reported that the Governor would meet the Legislative Assembly immediately.

Whereupon the Governor appeared and delivered the following:

GOVERNOR'S MESSAGE.

Gentlemen of the Council and House of Representatives:

It is only in conformity with the practice adopted at the first session of the Territorial Legislature, and since that time pursued at every annual meeting, that I assume the right or privilege of addressing this communication to the Council and House of Representatives of the Territory of Nebraska. No positive law either authorizes or commands it. But the practice is a good one, and good results will always flow from it, if we are animated by a sincere desire to accomplish as much as possible for the welfare of the people.

Nebraska has heretofore suffered from inconsiderate and hasty legislation, as well as from the sudden and untimely repeal of a large portion of her laws. We have, however, just cause of congratulation that the Code, both civil and criminal, adopted by the Legislature of last year, is in full and successful operation. Although not by any means perfect, it seems to work well, and can, no doubt, with a little alteration and trouble, be so improved as to meet all the necessities of the public. I think it would be advisable for the Legislature, at an early day, to appoint a special committee to examine the Laws of 1858, for the purpose of ascertaining whether some useful and necessary amendments, of immediate importance, might not be adopted. It is probable that I shall take the liberty, before the close of this communication, to suggest some changes which in my opinion would be salutary and beneficial. It will not be expected nor is it proper that I should specify every particular in which present laws might be profitably changed, or new ones enacted, to the advantage of the community.

Our past, present, and prospective condition is a fit subject for reflection and remark. This Territory was organized, at the same time with Kansas, on the 30th day of May, 1854, and the first Legislature met at Omaha, on the 16th day of January, 1855. In that body eight counties were represented. Now, at the expiration of less than five years, twenty-three counties have their representatives in the Legislature, and thirty-five counties have been fully organized, or their boundaries defined by law. With the exception of those which lie immediately upon the Missouri River, nearly all the counties have been so laid off as to cover a surface of exactly 24 miles square. The lands in Nebraska actually surveyed amount to 8,851,758,59 acres. The surveys have been extended from the dividing line between Kansas and Nebraska, on the 40th parallel, to the latitude of 42 degrees and 51 minutes, while the average depth from the Missouri River is about 140 miles. These lands, with other and vast bodies far to the West are all, with but small and occasional exceptions, as rich and productive as any soil on the American continent, warmed by the sun, and watered by the rain and the dews of heaven.

I have regarded it as right and needful that I should depart a little from the usual form and plan of an Executive Message, to correct some serious errors which have been instilled into the public mind of the country, highly injurious to our present and future prosperity. Books of History, and Official Reports to the Government have been alike inaccurate and unjust; so much so, indeed, that it requires an effort, from those who have seen and do know what manner of soil and climate we possess, to believe that these fertile plains were the fields of exploration, and furnished subject matter and material for the "exact and perspicuous narrative," which has, within a few years, been transferred to History. You are aware that as early as 1819, and shortly after the acquisition of Florida, an expedition was organized by Mr. Calhoun, then Secretary of War, for the purpose (amongst other things) of examining the country drained by the Missouri and its branches. The party, it is said, "*comprised a large number of officers and men of science.*" They passed the summer of that year in examining the lower Missouri, and the following winter at what was then Council Bluffs, but is now Fort Calhoun, in Washington county. "In the month of June, 1820, they proceeded up the Valley of the Platte, to the confluence of its North and South branches, and then continued along the South Fork, to its sources in the Rocky Mountains, near the 40th degree of latitude." Afterwards, "striking the head waters of the Arkansas, which also flows from the same mountain, they descended the valley of that river to its junction with the Mississippi." A recent historian, speaking of the expedition, says: "Much information was obtained respecting the Geography, Natural History, and Aboriginal Inhabitants of the country traversed, all of which was committed to the world in an exact and perspicuous narrative, published by Dr. James (the botanist of the expedition), in 1823."

"And," continues the historian, "one most important fact, in a political point of view, was completely established by the observation of the party; namely, that the whole division of North America, drained by the Missouri and the Arkansas, and their tributaries, between the meridian of the mouth of the Platte and the Rocky Mountains, is almost entirely unfit for cultivation, and therefore uninhabitable by a people depending upon agriculture for their subsistence. The portion of this Territory, within five hundred miles of the Rocky Mountains, on the East, extending from the 39th to the 49th parallel of latitude, was indeed found to be a desert of sand and stones."

And within this very year I have seen speeches of statesmen, gentlemen of high position in the country, who speak of "the remoteness, barrenness, and extreme cold of Nebraska," as if we lived under the North Pole, instead of being, as we are, directly west of Ohio and Pennsylvania, and blest with a soil, which for all purposes of agriculture and horticulture, has no superior between the two great Oceans that bound the American Union. The pioneers and settlers, whose farms already extend almost two hundred miles westward from "the meridian of the mouth of the Platte," towards the Rocky Mountains, will be surprised to learn from this historical romance, that their rich and unrivalled soil is almost entirely unfit for cultivation. And however great their surprise, it will find abundant sympathy with the citizens of Northern Kansas and Southern Nebraska, who are informed, by solemn History, that from the 39th parallel northward there is a great Desert, stretching eastward from the foot of the Rocky Mountains, a distance of five hundred miles, without a blade of grass, a tree or a flower to relieve the dreary landscape *of sand and stones.* It is time that misrepresentation and error should be met and corrected, and that Nebraska should be vindicated against the false impressions produced by ignorance or interested perversion. Let the facts and facts only speak, for the plainest truth is our surest safeguard. Some of these facts are the almost miraculous production of Corn, Potatoes, Melons, Pumpkins, Sweet Potatoes, Wheat, Rye, Oats, Barley, and Chinese Sugar Cane, and every garden vegetable, common to a temperate climate, and as far as experiment has been pursued to result, we have satisfactory evidence that all the fruits which thrive in Illinois or Ohio will prosper here. I feel confident that but a few years will elapse before Peaches, Apples, Pears, Plums and Grapes, of excellent quality, will adorn and enrich the farms and gardens of our people. Indeed, it is well known that at our Territorial Fair, in September, six varieties of delicious Peaches were exhibited, products from a farm not thirty miles distant from "the meridian of the mouth of the Platte."

That the exploring party of 1819–20 "comprised a large number of officers and men of science," is well known and conceded. But how they could pass the Summer of the year in examining the Lower Missouri, and the next Winter at Old Council Bluffs (showing that they had not gone twenty miles from the Upper Missouri into the interior of Nebraska and Kansas), and proceed thence up the Valley of the Platte, to the confluence of the North and South Forks, and continuing along the South Fork, to its source in the Rocky Mountains, near the 40th parallel, and then striking the head waters of the Arkansas in the same mountain, pass down the valley of that river to its junction with the Mississippi, how they could do as the historian says they did, and establish "by observation" that the entire Territory, between the 39th and 49th parallels, for five hundred miles eastward from the Rocky Mountains was a desert of sand and stones, passes comprehension, and would make the most confiding believer, curious to know, how? and would leave him, as it leaves you and me, full of unbelief.

Nevertheless it is true, as the old pioneers all attest, that the soil of forty years ago bore no comparison to the deep and affluent formation of to-day. In the wilderness, "where there was no man," rain was almost, if not altogether unknown, and now refreshing and abundant showers are supplied in needful season for the earth. It is no longer a wilderness, and man is there. The country, at one time "covered with the short Buffalo grass, presenting the appearance of a poor unproductive soil," is now luxuriant with the lofty grasses of the Prairie, which, even at less than full growth, reaches to the horses' bridles. The footsteps of civilization and improvement are preceded by Divine preparation, and all these things are "the wondrous works of Him which is perfect in knowledge."

The gold fever, which during the past twelve or eighteen months has raged and remitted at periodic intervals, has been replaced by a calm and healthy confidence. It seems now to be settled by sufficient and conclusive evidence, that the question of large and rich deposits is not any longer a matter of discussion or doubt. Since the Base Line between Kansas and Nebraska has been established, it is plainly ascertained that a full share of the gold fields is to be found in the Western portion of this Territory. The influence which the discovery of gold is to have upon our future, I will not attempt to estimate; but that it will hasten the establishment of a great and permanent public highway between the Missouri River and the Rocky Mountains is, as I think, inevitable. And does it not seem as if nature herself designed to end the dispute between states and statesmen, politicians, speculators, and all others, as to the route of a railroad to the Pacific Ocean?

Perhaps the most difficult and delicate part of legislation, is that which relates to the revenue of a free and representative government. The people, who are the only source of power, bear all the burdens of government, either on their persons or property. Hence there is a natural, as well as an intense and enduring jealousy on their part, of all laws that relate to taxation. This feeling I would not extinguish or remove if I could. It serves to accomplish what might not otherwise be obtained, an economical and almost necessarily an honest administration of government. All other things being equal, taxation should be as equal as possible. Each person or property-holder should, as a general thing, be taxed in proportion to his substance or ability. But this rule is not always inflexible, and should not be. What is fair in an old and established government, is not always so in a new and struggling community. Opening up, developing and enriching a new country, through much tribulation and toil, is in one sense, and to some extent, a burden of government. It is true that the man, who labors and improves his own land, may be recompensed for all that he does, but still he serves, in some degree, both the government and the community, in the very work that he does for himself. Further, he adds to the value of every acre of vacant land in or near his neighborhood. If that land is held for mere speculation, is it not clear that the owner looks to the labor of others for the gains which are to follow, the enhanced value of his estate? In regard to this subject I wish to be explicit and plain. It is a fact very well known that hundreds of thousands of acres of the best land in Nebraska are held by individuals, who have never broken a single foot of sod, with spade or plough. These lands being unimproved, pay only at present a comparatively small tax. The man who lives on and improves his property, in town or country, has generally a reasonable amount of personal property. For the purpose of making the burdens as light as possible, where they should be light, I recommend that real estate shall be made the chief basis of revenue. I think it would be well if there was a special exception, to a limited extent, from all taxation made in favor of the different kinds and varieties of stock and cattle. As, for instance, a certain number of sheep, swine, oxen, horses, cows, &c. The object being mainly to encourage the tax-payers of the Territory to rear and keep stock, especially such stock as is valuable, and of the most improved description or breed.

Although I favor the plan of making real estate the chief basis of revenue, the Legislature will not understand me as recommending any material change as to taxable items, or articles, mentioned in the 2d section of the act of Nov. 1st, 1858.

While our climate is, in many respects, all that could be desired, and our soil so richly productive, it is not to be denied that the want of timber on the prairies is a great drawback, notwithstanding the fair supply to be found on the Missouri, and the inland streams of Nebraska. If it is possible, in any practicable way, to encourage the planting and growth of timber, it seems to me it should be done. But a very few years are required to grow, to a profitable size, from small beginnings, such trees as cottonwood, walnut, black locust, ash, maple and hickory. I recommend to your consideration a plan of indirect bounty, by which, I believe, great good could be accomplished. If every settler could be induced to plant and start into successful growth, on his own land, a few acres of the trees I have named, I feel satisfied it would in the end be a decided and general gain, to exempt a portion of his land, for a specified period, from the payment of any territorial, or other tax. I make the suggestion, in the hope that the idea may meet with your approbation, leaving all the details to your judgment and discretion.

I invite your friendly consideration to the subject of a Homestead Law. The passage of a bill which would exempt from execution and sale sufficient real estate for a home to every family, would be no more than an act of justice and humanity, and would no doubt meet with very general favor amongst the people.

How much in value or amount should be held sacred for so worthy a purpose, is of course for you to determine. I need hardly say, that whatever is reserved by law should strictly and in good faith be so set apart, that a home for the otherwise homeless would always be made sure. The common objection to such a law is, that it is unjust to creditors. This objection is at once removed, when it is understood that the exemption can be made to operate only against debts contracted subsequent to the passage and publication of the law. The creditor then knows what property he can, and what property he can not look to, in case he gives the credit, and the debtor afterwards makes default.

It is matter of bitter experience, that the people of this Territory have been made to pass through the delusive days of high times and paper prices, and the consequent dark and gloomy night of low times and no prices. We have had our full share of the financial spasms which for two years have afflicted the great body of the American people. They are gradually passing away, but they will never altogether disappear, until the producing causes are removed. One chief and manifest cause, so far as new states and territories are concerned (not the only one), is the enormous and overwhelming rate of interest which is exacted for the loan of money, for a common credit in many cases, even for the necessaries of life, or for a brief extension and forbearance of an existing debt. It is idle to look for relief, except in stringent and effective legislation. I am not sure that the evil can be entirely banished by law, but it is worth the trial. I, therefore, recommend the passage of a Usury Law, contrived in the best possible way to overturn the present system and practice of extravagant and ruinous rates of interest.

It may be said that such a law will drive all capital away from the Territory. If the law can be made effectual and effective, it may drive all devouring capital from amongst us. God grant that it may be so; but fair and honest capital, which seeks only reasonable and just returns, will remain and increase.

I invite your attention also, to the law regulating the compensation of public officers. The existing tariff of fees clearly requires careful revision and amendment. In some cases, it is probable, the compensation is no more than just and fair, but in a great many, it is plain, that material and large reductions are necessary and right. Every officer is entitled to a reasonable recompense for his responsibility and labor, and I feel sure that your efforts will be to do no more, nor less, than equal and exact justice to all.

The Annual Reports of the Territorial Auditor and Treasurer have been received, and are herewith submitted. The balance in the treasury is necessarily small, owing to the fact that the revenue from the different counties for this year is not payable until January next. According to the Auditor's Report, the present liabilities of the Territory are $31,068.23. On the 20th of September, 1858, they amounted in warrants to $15,774.95. Between the 20th of September, 1858, and November 1st, 1859, in accordance with various laws, warrants were issued for $16,459.95, making the current expenses for that time appear to be the whole of that sum. But fully one-half the amount of those warrants was for liabilities incurred during the year 1857-8, making the actual current expenses for this year to be in fact only about $8,000. The revenue from taxes, due January 1st, 1859, as reported by the different counties (Pawnee county excepted), amounts to $19,387.57, so that the whole debt of the Territory may be set down at $11,680.66 more than the estimated resources of the year ending December 1st, 1859. Hence we are able to see that the entire territorial debt can very conveniently, and without any increase of taxation, be extinguished in less than two years. Indeed, with fair retrenchment and conscientious economy, both of which I can not too earnestly recommend, the existing burdens of taxation can be materially lessened, and still, in a short time, the whole territorial debt be paid.

I submit also the Report of the Territorial Librarian, with a complete catalogue of all books in the library. Within the past year, a great many volumes which had been improperly taken from the library, have been gathered in by the diligence of the present Librarian. Large additions of miscellaneous and law books have been received, from different states and territories, in return for volumes of laws and the legislative journals transmitted to them. Besides these, 237 volumes of law books have been added to the library, which I purchased with a portion of the original appropriation made by Congress, and which I found unexpended when I entered upon the duties of my present office.

The policy of the Territory should be to protect, as far as possible, and in a just way, all improved real estate, and encourage the improvement of that which is vacant and unimproved. I request your consideration to the subject of an extension law for real estate levied upon by execution. For the purpose of convenience and brevity, I submit my views in the shape of an abstract of such a law, as I think would be just to all parties and beneficial in its operation. A provision requiring the Sheriff of every county to summon a jury of inquest prior to each general return day, to which jury all writs with liens on real estate shall be submitted, their duty being to inquire whether the property is vacant or improved; if improved, to ascertain whether the annual rents, issues and profits, at a fair estimate, would pay the judgment debts and other liens, with costs and interest, in a certain time, say seven years. It being ascertained that the annual rents would pay the debts in that time, then to mark the property extended, fixing the amount of the rent and the manner of its payment. Such a law would be humane towards debtors who have improved their real estate, whatever it may be, and would be both fair and just to creditors, all of whom would be secured to the amount of their liens, each lien being paid off according to its age or priority. It is almost superfluous to say, that by a forced sale of improved real estate (which by an extension might be sufficient to pay all demands against it), a majority of the creditors are usually sacrificed at the same time with the unfortunate debtor.

The administration of the Criminal Law is rendered ineffectual, for lack of means to punish felons and other convicted offenders. We have no penitentiary or other public prison for their confinement, and the law does not sufficiently provide for their custody. If an arrangement could be made by which felons could be sent to some adjoining state for confinement in the penitentiary, particularly where they are made to support themselves by labor, it would evidently be a most excellent scheme, and save considerable expense to the Territory.

A large and enterprising population in the western part of the Territory, mostly in "the mining region," are without the benefit of county organization, and, consequently, in a great measure, without the protection of law. The organization of several counties is, I believe, both necessary and right, and I recommend the subject to your favorable consideration.

The condition of the Capitol building demands immediate attention. A proper representation from the Legislature to Congress would, I believe, secure such necessary appropriation as may be sufficient to complete the building, and make it convenient for use, and safe.

Fifty thousand dollars appropriated by Congress, and sixty thousand dollars furnished by the city of Omaha alone, have been expended and the house is still unfinished. It is estimated that about thirty thousand dollars will be required to finish the whole work, and thus save the sums already expended from being little better than a dead loss.

During the last spring, and in the early part of the summer, the settlers, particularly in the Platte Valley and about the Elkhorn River, as well as in other places (south as well as north of the Platte River) were subjected to depredations and outrages by the Pawnee Indians, of the most aggravated character. For a season no one within their reach was safe in person, habitation or estate. The citizens, residing in districts not very thickly settled, were exposed to personal insult and violence, and their property not only secretly stolen, but boldly taken or driven away in the presence of themselves and families. Houses were broken into and plundered of their entire contents, and in some cases families were turned out without a home. Post offices were entered by violence, and the mail of the United States either robbed or destroyed. The people of the neighborhood organized, as well as they could, for their protection, and finally, about the first of July, appealed to the Executive for assistance. During my temporary absence from the Capital, and with the approbation of Mr. Secretary Morton, an expedition was organized under the military direction of General Thayer, and started, as promptly as possible, for the scene of trouble. Information being communicated to me by express, I started immediately for the Capital, having with me a few government troops, under Lieut. Robertson of the dragoons, and arrived at Omaha on the evening of July 5th. With those troops and some volunteers, I came up with the expedition early on the morning of the 8th. The whole force numbered about 200 men, and was placed under the immediate command of General Thayer. After a forced march of four days, we overtook the Indians, who had by this time set forth on their summer hunt. After the first demonstration they surrendered, unconditionally, and submitted to reasonable and just terms. This is not the place nor the time to furnish details of the whole affair, but this much I have considered due to the Legislature in view of the recommendation which I intend to make.

The safety of the people for the present and the future, and the vindication of the great right of every citizen to the protection of the government, as well as the punishment of savage outrage and enormity and the reparation and redress of serious wrongs demanded the adoption of the course which was pursued. The spirit with which the exigency was met by the gallant men who volunteered is entitled to the highest commendation and applause. Many of our merchants and others furnished ammunition, supplies and transportation for the expedition, involving them in considerable expense and outlay. It would be unjust not to say that their generosity is worthy of all admiration. The whole debt and demand of the expedition is just and should be paid. It is fairly a debt of the general government, and I have no doubt will be so recognized by Congress. But for the purpose of immediate liquidation, and that nothing may be passed but what is perfectly fair, I recommend and request the appointment of a special committee, who will investigate the whole matter, and make such report as to justice and equity may belong. All the papers connected with the expedition are in my possession, and will be cheerfully furnished to the committee with such information as it may be in my power to communicate. The results of the expedition have been good. Since that time the Indians have manifested no disposition to molest any one, and the settlers repose under a sense of security not hitherto enjoyed.

I feel that I would be withholding from you important and interesting information, if I failed to communicate the knowledge which I possess of the public sentiment in most parts of the Territory, relative to an early state organization. A very large majority of the people are evidently in favor of the movement, and have already indicated, in various ways, a general and decided wish that this Legislature should take action on the subject. What that action shall be is, of course, for you to decide. It is well enough for us to try and understand what our present condition is, and what are our relations to the Federal Government. Like Kansas, New Mexico, California, Minnesota, Iowa, Arkansas, Missouri, and many other Territories and States which I could name; we belong to territory acquired since the adoption of the Constitution; and "*outside of the original limits of the United States.*" Nebraska is a part of the Louisiana purchase, or acquisition, made by Mr. Jefferson in 1803. Like the present States of Louisiana, Missouri, Arkansas, Iowa and Minnesota, it was acquired for the purpose of being "admitted as one of the states of the Union," and for no other purpose. The powers of the Federal Government are "*delegated and restricted powers.*" By this I understand that whatever the States which created it have authorized it to do, in the Constitution, it may do, and no more. "New states may be admitted by Congress into this Union." Texas and California were admitted directly and without the interposition of a territorial government. Under the clause of the Constitution, which I have quoted, it is decided and settled that "*the power to expand the territory of the United States, by the admission of new states, is plainly given*—and it has been held to authorize the acquisition of new territory, not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission." *It is acquired to become a state,* not to be held as a colony, and governed by Congress with absolute authority. And as the propriety of admitting a new state is committed to the sound discretion of Congress, the power to acquire territory *for that purpose,* to be held by the United States until it is in a condition to become a state, upon an equal footing with the other states, must rest upon the same discretion."

From the foregoing opinion and authority, two propositions seem to be plain:

First. Congress may "expand the territory of the United States, by the admission of new states;" and "that the propriety of admitting a new state is committed to the sound discretion of Congress."

Second. The Federal Government, as a trustee for the people of the several States, may acquire foreign territory for the purpose of its being admitted into the Union as a state, and not for the purpose of its being held and governed as a colony, nor for any other purpose except to be admitted into the Union as a state. And this, that is, the acquisition of the territory, like the admission of new states, is committed to the sound discretion of Congress.

So far as Nebraska, is concerned, that acquisition was made fifty-six years ago ; and, both by the Constitution and the treaty with France, the purpose was that it, as a portion of the Louisiana purchase, might become a state of the Federal Union. In making that acquisition, Congress exercised her sound discretion. The territory of Louisiana, being all foreign, and "outside of the original limits of the United States," Congress might have declined the acquisition altogether, without violating either the letter or the spirit of any law. And the same is true as to the states of Texas and California. But the discretion of such a course would, at this day, be both doubted and condemned. The admission of Nebraska, as a state, now or hereafter, it is granted, is within the discretion of Congress. It is not, however, an unlimited and irresponsible discretion; but it is legal, limited, and must be obedient to the constitution. The power is conferred, as in the case of California; but, as was not the case in regard to that state, it is a power coupled with a duty. As I have already remarked, this Territory, like Kansas, Iowa, Arkansas, Missouri and Minnesota, was acquired by the States of the Confederacy, through their representatives, for the purpose of being admitted into the Federal Union of states. In the different parts of the Louisiana acquisition, territorial governments were formed, as their several necessities demanded the formation of a temporary government. The territory was to be held by the general government, as the agent and trustee of the states, "*until it was settled and inhabited by a civilized community, capable of self-government*, and in a condition to be admitted on equal terms with the other states, as a member of the Union."

And as the Supreme Court have again said, "*until that time arrives*," the provisional or temporary government is established, "in order to organize society, and to protect the inhabitants in their persons and property." And as the same court have again expressed it in clear and adequate language, "some form of civil authority would be absolutely necessary to organize and preserve *civilized* society, *and prepare it to become a state*."

The conclusion to my mind is, then, irresistible, that the United States acquires, and can acquire territory, like Nebraska, only for the purpose of it becoming a state. To this great end and consummation, a territorial or other temporary government is formed. It is all, from first to last, progress towards the one result. You, as the representatives of the people, have the rightful authority to continue that progress in such lawful way as shall seem good in your sight. If a convention shall be called, and a constitution adopted and ratified by the popular voice, that constitution, being republican in form, and not inconsistent with the Constitution of the United States, and by proper petition or memorial presented to Congress, our duty as a people is done, and the duty of the general government begins.

We should be neither too hasty in seeking admission into the Union, nor too slow. It is true, in the admirable language and thought of a President's Message, that "immediately upon the formation of a new territory, people from different states and from foreign countries rush into it, for the laudable purpose of improving their condition. Their first duty to themselves is to open and cultivate farms, to construct roads, to establish schools, to erect places of religious worship, and to devote their energies, generally, to reclaim the wilderness, and to lay the foundations of a flourishing and prosperous commonwealth."

All this, and more, has been done by the people of this Territory, during the five or six years which have followed its formation. Thirty years ago people went into new states and territories with slow and measured step; but now, and it is no unmeaning truth, they *rush* into them, and commence at once to cultivate farms, to build towns, erect places of religious worship, and work out, with great rapidity, their own redemption, and that of the wilderness, together.

I suppose no one will say that this Territory is not "*settled and inhabited by a civilized community, capable of self-government.*" Indeed, I am not sure that our people have not been a little too civilized, respectable, and law-abiding for their own good. With an unfaltering step they have pursued the noiseless tenor of their way, attracting no unusual notice from abroad as other places and territories have done. With no aid or resources but their own, they sought out and selected this Territory for a home. By industry, patience, endurance and enterprise, they have brought it to its present advanced condition of improvement and promise.

While our civilization and capacity of self-government may be admitted, it will no doubt be objected that we fall short of sufficient population to entitle us to come into the Union as a state. This may be the prevailing sentiment in Congress, and the rule become established that no new state shall be admitted, unless her population is large enough to entitle her to at least one representative, under the ratio fixed by law. At present that ratio is 93,423. Whatever our increase may be in the next six months, and though we may exceed this ratio then, I do not believe that we possess it now.

I am not able to see that the rule is a just one, and that it is not in conflict with the constitution. I do not contend that every community has a right to call itself a state, and demand admission into the Union. Far from it. But if a territory has been acquired to become a state, and its civilized society has been organized, preserved and prepared for that purpose, I think the great question is, has it reached the *status*, or condition of a state. In regard to population, the constitution seems to indicate what number is sufficient. "The number of representatives shall not exceed one for every thirty thousand; but each state shall have at least one representative." And until the enumeration shall be made, Rhode Island and Providence Plantations "shall be entitled to choose one," and "Delaware one."

Rhode Island and Delaware might at the adoption of the constitution and afterwards have fallen short of 30,000, but still each would be entitled to a representative because "each state shall have one." But "the number of representatives," as a rule, "shall not exceed one for every 30,000." The constitution fixes the minimum of each additional representative at one for 30,000. If the ratio of representation, and the right of admission by a new state—have any just connection, is it not reasonable to say that the number named in the constitution as a minimum, is a better guide towards this much desired *status*, or condition of a state than the ever changing rules of an ever changing legislature?

Arkansas was admitted in 1836 when her inhabitants were said to number "47,700 persons—computed according to the rule prescribed by the constitution." From previous and subsequent data furnished by the census of 1830 and 1840, it is fair to say she had over 40,000 white inhabitants. But whether she had or had not, she was rightly and righteously admitted. Although violently opposed by some on account of what was called the perpetual slavery clause of her constitution, and by others because she had formed her state constitution without the previous consent of Congress in the shape of an enabling act, her small population seems not to have been involved in the discussion.

All objections were answered in both houses of Congress by the great statesman of that day, and the "act for the admission of Arkansas" passed by an overwhelming vote.

Mr. John Quincy Adams, whose sentiments against slavery were intensely strong, said, in the House of Representatives: "I can not, consistently with my sense of my obligations as a citizen of the United States, and bound by my oath to support the constitution, I can not object to the admission of Arkansas into the Union as a slave state. She is entitled to admission as a slave state, as Louisiana and Missouri have been admitted by virtue of that article in the treaty for the purchase of Louisiana, which secures to the people of the ceded territories all the rights, privileges and immunities of the original citizens of the United States, and stipulates for their admission conformably to that principle, into the Union. * * * * Arkansas therefore comes, and has a right to come, into the Union with her slaves and her slave laws. It is *written in the bond*, and however I may lament that it ever was so written, I must faithfully perform its obligation."

The bond to which Mr. Adams refers, is the treaty. Its language in the third article is as follows: "The inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, privileges and immunities of citizens of the United States; and in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess."

No interpretation of the foregoing article in the treaty could be more explicit and clear than the exposition by Mr. Justice Catron of the supreme court of the United States. Speaking of the whole Louisiana purchase, he says: "It was to a great extent a vacant country, having in it a few civilized inhabitants. No one portion of the colony of a proper size for a state of the Union, had a sufficient number of inhabitants to claim admission into the Union. To enable the United States to fulfill the treaty, additional population was indispensible, and obviously desired with anxiety by both sides, so that the whole country should as soon as possible become states of the Union. And for the contemplated future population, the treaty as expressly provided as it did for the inhabitants residing in the province when the treaty was made. All those were to be protected '*in the mean time*,' that is to say, at all times between the date of the treaty and the time when the portion of the territory, where the inhabitants resided, was admitted into the Union as a state."

I repeat that the admission of Arkansas was just and right. She had attained to the *status* or condition of a state, although her representative population, all told, amounted to but 47,700 persons. If she was a state then, Nebraska has a right to be a state now. And I deny that Congress has a right to place obstacles in the way of her admission, which are the manufacture of late years and not to be found in the constitution or the treaty. I can not agree, that because Congress has the power to admit, it has unlimited discretion to deny it. The power is conferred to accomplish the end, and not to defeat it. When foreign territory is acquired for the purpose of becoming a state of the Union "*as soon as possible*," I regard him as assuming a grave responsibility, who says that a state may be kept out as long as possible. I have not been able to find any warrant for it in the constitution; and I am very sure it is not "so nominated in the bond."

The people of Florida held a convention and adopted a state constitution in 1839. Their memorial, with the proceedings of the convention and the constitution were presented to Congress early in the same year. On the 3d of March, 1845, an act for the admission of Florida (with Iowa) was passed. Not one word is said in the act about population. In the Senate the bill passed by a vote of 36 to 9, and in the House by 144 to 48.

At the time Florida was admitted, the representative ratio under the act of June 25, 1842, was 70,680 persons.

By the census of 1840, which was completed some time prior to the passage of the act of 1842, Florida showed a population of 27,943 whites, 817 free colored, and 25,717 slaves; so that about the time the apportionment act was framed, her entire *representative* population was 44,190. Compare the result of this census with that of 1850 and '51, and by fair calculation, the population of Florida on the 3d of March, 1845, did not exceed the following estimate, viz: 33,721 whites, 851 free colored, and 27,076 slaves. So that her *representative* population when she was admitted as a state, may be fairly set down at 50,818, or 19,862 less than the ratio of one representative under the then existing law.

The people of Florida, as early as 1839, thought they were fit to become a state and bear its burdens. In the course of five or six years, Congress came to the same conclusion, by the very large vote which I have quoted. The historians of the time do not tell us that there was any conception or sense of injustice to the existing states, because the popalation of Florida was so small. Mr. Benton says, Iowa and Florida were admitted "*without a struggle*." Iowa has increased in population and wealth since her admission, to a wonderful degree, and is already one of the great western states of the Union; while no one dare say, for a moment, that Florida has not fully justified her claims to fellowship and equality with the other states of the confederacy.

But if the rule of population, enough for at least one representative, is to be established, and is to govern the claim of every future state for admission into the Union, let us look a little at its practical operation. Nebraska has at this time, say, not more than 50,000 or 60,000 inhabitants, at all events, she has less than 93,423. In the year 1860, her constituted authorities call a convention confessedly lawful, the people approve, a constitution is adopted and ratified, a memorial in due form is presented, embodying our prayer for admission. All agree that there is no objection to the constitution, but we are told that, not having 93,423 inhabitants, Nebraska is not fit to be admitted as a state of the Union, and she is rejected, possibly by the votes of Massachusetts, Rhode Island, Pennsylvania, Delaware, Kentucky, Tennessee, Indiana, Florida and South Carolina. A new census is taken in 1860 and '61, and is followed by a new apportionment. Nebraska by this time numbers 93,423 inhabitants, and she again comes and prays for her place, her constitutional and stipulated place amongst the independent states of the confederacy. Is the door opened, and does she enter? No. Why not? Congress says, to her, we have increased the ratio of representation to 120,000, and although you were fit two years ago, you are not now. Not because you have changed, but because we have, And she is turned away with a heart made sick by hope deferred, to seek such consolation as they can find, who feel that they have no future. A formidable objection to the admission of any new state without this "*requisite population,*" is alleged injustice done to existing states. Whereas a territory has but a delegate without a vote, as a state she would have a representative with a vote, and a voice equal to that of any other representative on the floor of Congress. Even so. And this is precisely what was contemplated when this Territory was acquired in 1803, and the present temporary government was constructed in 1854.

But for the purpose of fully understanding the injustice done to existing States, let us consider the facts relative to representation, as they exist under the apportionment made after the census of 1850.

The ratio of apportionment among the several states was, and is 93,423. By that census Delaware showed a representative population of 90,616. She falls short nearly 3,000, although she is one of the "old thirteen." By the same census Florida is able to exhibit a population of 47,211 whites, and in all a representative population of 71,720. She falls short 21,703, and would surely ~~not~~ feel either sensitive or sore if Nebraska had one representative with her. Still further, the whole number of representatives is 233, and the ratio of apportionment only furnishes 220, leaving 13 to be assigned to the states having the largest residuary fractions. By this assignment, Massachusetts gets a representative for a fraction of 60,204; Rhode Island one for 54,122; Pennsylvania one for 69,634; Tennessee one for 66,023; Kentucky one for 57,205; Indiana one for 54,186; and South Carolina one for 47,398.

It is reasonable to say that amongst these states, at least, the sense of injustice would not be very acute nor lasting, I think I wronged them, one and all, when I suffered myself to suppose, for a moment, that Nebraska could possibly be rejected by their votes, merely because her representative might not be able to say, my constituents number not one less than 93,423.

Here I leave the subject. I offer no apology for occupying so much of your time with its investigation. I believe that the people of the Territory, by a large and decided majority, are in favor of an early state organization, and am persuaded that all their interests would be advanced and increased "in some thirty, in some sixty, and in some an hundred fold," if we were received into fellowship with the States of the Union. We need but cast our eyes from this capitol, eastward, and beyond a single river, to see the difference between a dependent Territory and an independent state. It is true the General Government is liberal and pays the expenses of our Territorial machinery. But it is equally true that we pay our full share of the taxes by which the General Government is sustained, *and we have no representation.* As consumers of imports, and to no indifferent extent, we are taxed like the people of a state.

The people of this Territory bear their proportion of the national burdens, not only without complaint, but cheerfully. They are loyal to the constitution and the laws of the country, and recognize no patriotism but that which is large enough for the whole country.

We may here turn to our past history as a Territory, and find material for pleasant meditation. Individual faults and occasional infractions of the law are of course upon the record; but not a page is darkened by the registry of a single outbreak amongst the people. Our growth in population and prosperity has been equal to the most sanguine expectation. Of agricultural supplies we already produce far more than we consume, and we may reasonably hope that but a few years will roll round before Nebraska will be as well known in the markets of the world, as the oldest and largest grain growing States of the Republic. A railroad to the Pacific ocean is no longer a problem without a solution, and its construction and completion are but a question of time.

These prairies will all be peopled from the great river to the mountains. The farm house and the school house will decorate the plains, and temples reared to the living God will resound with praises from living and grateful hearts. This is the mighty and majestic future to which we look, almost, with the assurance of a Divine faith. Our fathers saw this day and were glad. And when this "goodly frame"—without a parallel on the earth—"this Union"—was first conceived, they trusted in Jehovah, and were not disappointed. They knew as we know, that "there is a special Providence in the fall of a sparrow," and in the rise and fall of nations.

That their fate, who have fallen, may not be ours, and that our country may continue to rise and increase in just power, in excellence and in virtue, should be and will be, in all parts of it and in all time to come, as in times past, the invocation and prayer of the patriot.

Samuel W. Black.

Executive Chamber, Omaha, December 6th, 1859.

AUDITOR'S REPORT.

Omaha, December 1, 1859.

Hon. Samuel W. Black,
Governor of Nebraska:

Dear Sir—In accordance with former usage, I have the honor to submit for your consideration, a condensed statement of the liabilities and resources of the Territory, since the report made the last session of the Legislature.

LIABILITIES.

Balance as per Report of September 20, 1858............	$15,774.95
Amount of Warrants issued from September 20, 1858, to November 1, 1859, in accordance with the various laws,	16,459.95
	$32,234.90
Deduct amount of Warrants redeemed by the Treasurer from Sept. 20, 1858, to November 1, 1859..................	1,166.67
	$31,068.23

RESOURCES.

Amount of Territorial Revenue accruing from the levy of taxes during the present year, and payable in January, 1860,	19,387.57
Balance..............................	$11,680.66

Of the amount of Warrants issued from September 20, 1858, to November 1, 1859 ($16,459.95), about one-half of this amount was for liabilities incurred during the years 1857 and '58, leaving the remainder or about $8000 as the expenses of the Territory for the current year.

The Revenue law passed at the last session of the Legislative Assembly, has, so far as I am able to judge, been generally carried into effect. All of the regularly organized counties, with one exception (Pawnee county), promptly reported the amount of taxable property, and the levy of taxes for Territorial purpose made, from which arises the amount of resources as above named.

There are some defects in the law, which probably ought to be amended; but as they are not of a serious nature, the question arises whether it had not better remain as it is, until it becomes familiar with all the officers who have duties to perform under it. It is the first practical revenue law that has existed since the organization of the Territory, and so far, has operated well; and it will be safe to say that in another year the present territorial debt can all be paid off under its operations.

I have been requested to bring to your notice the fact, that recently the courts have sentenced criminals to the penitentiary, thereby making the keeping of them a territorial expense. There is no law at present providing for the issuing of warrants for any such purpose, and I call your attention to it, that the matter may be referred to the proper committee, during the present session of the legislature.

As there has been no revenue paid into the territorial treasury under the present law, and will not likely be until the time required by law (January next), I deem it unnecessary to extend this report to a greater length at this time. During the session of the Legislature, it will afford me pleasure to furnish to the committees any information relative to the fees, salaries and accounts audited during the year, and any matters connected with this office.

Respectfully, your obedient servant,
ROBERT C. JORDAN,
Territorial Auditor.

TREASURER'S REPORT.

OFFICE OF THE TERRITORIAL TREASURER,
Omaha, N. T., Nov. 15, 1859.

Hon. Samuel W. Black,
Governor of Nebraska:

Sir—I transmit herewith, as required by law, a statement of the condition of the Territorial Treasury, showing a balance on hand of $42.89.

Since my last annual statement, the receipts of the treasury have been small, as but few counties have made any returns of taxes, and the small amount paid has been in warrants, with a trifling exception.

W. W. WYMAN,
Territorial Treasurer.

Territory of Nebraska, in account with W. W. Wyman, Territorial Treasnrer.

		Dr.	Cr.
1856.			
May 14.	By amount received of W. Caldwell, Treasurer of Cass county,........		$66.30
June 16.	By amount received of Isaac Underwood, Treasurer Dodge county,........		20.20
do 16.	To amount paid I. Underwood, Treasurer, mileage and fees,..........	$14.50	
do 16.	By amount received of W. Hoblitzel, Treasurer Nemaha county,.......		30.00
July 1.	By amount received of F. R. West, on Territorial bonds,...............		4,000.00
1857.			
Jan. 1.	To paid semi-annual interest on Territorial bonds,.....................	300.00	
Feb. 13.	By amount received of J. W. Pearman, Treaasurer Otoe county,.........		250.00
July 7.	By amount received of T. G. Goodwill, Treasurer Douglas county,.......		377.67
do 18.	By amount received of J. W. Pearman, Treasurer Otoe county,..........		108.33
Aug. 13.	By amount received of Admin. T. G. Goodwill, Treasurer Douglas co.,.		978.06
do 16.	To paid semi-annual interest on Territorial bonds,.....................	300.00	
Sept. 10.	By amount received of J. D. N. Thompson, Dep. Treasurer, Douglas co.,..		260.00
1858.			
Jan. 4.	To paid on interest due on Territorial bonds,.........................	55.00	
Dec. 16.	By amount received of Treasurer of Otoe county, in Warrants,........		378.46

1859.			
Jan. 13.	By amount received of Treasurer, Otoe county—Warrants, $766.88; cash, $21.33,		$788.21
Aug. 12.	By amount received of Isaac Cook, Treasurer Richardson county, for tax of 1858—Warrants, $187.25; cash, $12.75		200.00
do 12.	To allowed I. Cook, Treasurer, mileage fees,	$25.00	
Oct. 15.	By amount received of J. R. Little, Treasurer Johnson county, tax 1857, in Warrants,		98.75
do 15.	To allowed J. R. Little, Treasurer, mileage fees,	20.00	
do 28.	By amount received of J. R. Little, Treasurer Johnson co., tax 1858—Warrants, $30.25; cash, $14.58,		44.83
do 28.	To allowed J. R. Little, Treasurer, mileage fees,	20.00	
	To amount of Warrants in the Treasury, $6,715.80 Interest paid, 107.62	6,823.42	
	Balance in the Treasury,	42.89	
		$7,600.81	$7,600.81
	Balance due the Territory,		$42.89

LIBRARIAN'S REPORT.

Office of the Territorial Librarian,
Omaha, N. T., Dec. 3, 1859.

To his Excellency Samuel W. Black,
Governor of Nebraska:

Sir—I have the honor to submit herewith, a statement of the condition of the Library, which has now been in my charge a little more than one year, together with a catalogue of the law books therein.

It will be seen that the state publications of nearly all the states and territories have been received in exchange for those transmitted by you, for the use of their state libraries. Having corresponded with the secretaries of the different states who have not exchanged with us, I am enabled to report, that it is owing to a want of authority in the officers of the different states, from the Legislatures thereof.

I would therefore suggest, that the Legislative Assembly be requested to pass a joint resolution, asking of each of the different states of the Union, an exchange of their documents, reports, &c.

I have received, arranged and labeled the recent purchase of 237 volumes, made by your Excellency, from the unexpended balance of the original appropriation of five thousand dollars, made in 1855, and have placed them, by their title, in the catalogue accompanying my report. This addition very nearly completes the sets of reports, which have been, unavoidably, broken during the three years preceding my connection with the office, and furnishes to the courts and bar of our Territory an inestimable amount of legal information.

The Secretary of the Territory, Hon. J. Sterling Morton, has kindly furnished a room, in which the documental branch of our library has been arranged in a safe and commodious manner, as well as the laws and journals of our own publication.

Nearly all the books in the Law Library, all of those in the Miscellaneous Library, and a large portion of the documental branch of the library have been carefully arranged and labeled, thus far, at my own expense.

Thanks are especially due to Samuel B. Woolworth, Esq., Secretary to the Board of Regents of the State of New York; Charles J. Hoadley, Esq., State Librarian of Connecticut; John R. Bartlett, Esq., Secretary of State for Rhode Island; and George S. Boutwell, Esq., State Librarian of Massachusetts, for valuable additions to our Law and Historical Library.

Many of the files of newspapers heretofore published in this Territory, which I have received from my predecessor, John H. Kellom, Esq., are in a mutilated condition, and I deem it prudent to recommend an appropriation to defray the expenses of binding them, and those which may accumulate during the coming year.

In conclusion, I would respectfully call your attention to the small allowance made to the Librarian as compensation for services which require his constant attention; added to which, are the duties imposed upon him by an act, entitled "An act for the better regulation of schools in Nebraska," which makes him Secretary to the Terr. Com. of Common Schools, and request that you recommend an increase of salary sufficient to warrant him in a faithful attendance to the duties enjoined upon him by law; also, that some measure be taken to defray the expenses of printing, postage, &c., incident to the office itself.

The above acknowledgments, suggestions, &c., with the following catalogue, are respectfully submitted.

ALONZO D. LUCE,
Territorial Librarian.

Alabama.

Laws of 1856, 1857.

Received—Vols. 31 and 32 of New Series of Reports of; Second Biennial Geological Report of.

Arkansas.

Vols. 1, 2, 3, 4, 5, Reports of; vols. 1, 2, 3, 4, 5, 6, 7, 8, English Reports of; vol. 16 Reports of.

Received—First vol. Geological Report of; Digest of the Statutes of 1858.

California.

Vols. 3, 4, 5, 6, 7, 8, 9 (duplicate copies), Reports of; Statutes of, from '54 to '57, inclusive.

Received—Vols. 10 and 11 (duplicate copies), Reports of; Statutes of 1858 and 1859; Senate Journal, duplicate copies of; Assembly Journal, duplicate copies of; Appendix to Senate and Assembly Journal of; Transactions State Agricultural Society of.

Connecticut.

Vols. 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, Reports of; vols. 3, 4, Private Laws of; Compilation of 1854, Laws of; Public Laws of 1855, 1856 and 1857.

Received—Public Acts of 1858, 1859; Journals of Assembly, 1858; New Haven Colonial Record, 2 vols.; Colonial Record of Connecticut, 2 vols.

Delaware.

No Reports or laws received of.

Florida.

Vols. 4, 5, 6, Reports of; duplicate Journal House of Representatives, 7th session; duplicate Journal Senate, 7th session.

Received—Duplicate Journal House of Representatives, 8th session; duplicate Journal Senate, 8th session; duplicate Journal House of Representatives, 9th session; duplicate copies of Laws 8th and 9th session; vols. 7 and 8 Reports of.

Georgia.

Vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, Reports of.

No Reports or Laws received.

Illinois.

Vols. 2, 3, 4, Scammon's Reports of; vols. 1, 2, 3, 4, 5, Gillman's Reports of; vols. 11, 12, 13, 14, 15, 16, 17, 18, Reports of; vols. 1, 2, Freeman's Digest of Reports; Laws of 1854, 1855, 1856, 1857; vols. 19 and 20 Reports of.

Received—Vols. 1 and 2 Statutes of, D. B. Cooke & Co.'s edition; 3 copies of Laws of 1859.

Indiana.

Reports of 1848, 1849; vols. 1, 2, Carter's Reports of; vols. 3, 4, 5, 6, 7, Porter's Reports of; vols. 8, 9, Tanner's Reports of; Assembly Journals, 1857; Revised Statutes of Indiana.

Iowa.

Vols. 1, 2, 3, G. Green's Reports of; vols. 1, 2, 3, 4, Clark's Reports of; Statutes of 1843; Code of Iowa, 1851; School laws of 1855; Laws of 1857; Code of 1856.

Received—Vols. 5, 6, Clark's Reports; Laws of 1858.

Kansas Territory.

Statutes of 1855; Laws of 1857, 1858; Journals of House and Council, 1857.

Kentucky.

Vols. 1, 2, 3, 4, 5, 6, 7, 8, Monroe's Reports of; vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, Dana's Reports of; vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, B. Monroe's Reports; Revised Statutes of 1852; vols. 1, 2, 3, 4, 5, 6, 7, J. J. Marshall's Reports; vols. 1, 2, Monroe and Harlan's Digest Reports of; Acts of Kentucky (tripulate copies), '53, '54; Acts of Kentucky (duplicate copies), '55, '56.

Received—Vol. 1 Metcalf's Reports.

Louisiana.

Vols. 1 to 10, Martin's Reports of; vols. 1 to 10, Reports of; vols. 1 to 12, Robinson's Reports of.

No laws or Reports received.

Maine.

Vols. from 1 to 42 inclusive, Reports.

Received—Revised Statutes 1857; Laws of '57, '58, '59 (duplicate copies); vols. 43, 44, Reports of; Virgin's Digest of.

Maryland.

Vols. from 1 to 9, Gills' Reports of; Laws of 1856, 1858; Convention Journals, 1851; Senate and House Journals, '56, '57, '58.

No Laws or Reports received.

Massachusetts.

Vols. 1, 2, 3, Gray's Reports; vols. from 1 to 17 inclusive, Reports of; vols. from 1 to 21 inclusive, Pickering's Reports of; vols. from 1 to 12 inclusive, Metcalf's Reports of; Laws of 1856, 1857; vols. from 1 to 9 inclusive, Cushing's Reports of; Catalogue of State Library.

Received—Laws of 1858, 1859; 9 vols. Plymouth Colony Record; vols. 10, 11, Cushing's Reports; Public Documents, 1858, 1859; vols. 4, 5, 6, Gray's Reports.

Michigan.

Vol. 1, Manning's Reports; vol. 1, Walker's Chancery Reports; vols. 1, 2, Douglass's Reports; vols. 2, 3, 4, Gibbs's Report; Laws of 1867.

Received—Vols. 1, 2, Cooley's Reports; Laws of 1859; School Reports of 1855, '56, '57; Transactions Agricultural Society 1857.

Minnesota.

Received—Vol. 1, Reports of; Statutes of, from 1849 to 1858; Laws of 1858, 1859; Constitutional Debates of.

Mississippi.

Vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, Smeeds and Marshall's Reports; vols. 1, 2, Cushman's Reports.

Received—Vols. 3, 4, George's Reports; Assembly Journals, 1858; Laws 1858.

Missouri.

Vols. 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, Reports of Digest of Reports Casselberry; Laws of 1857; Barklay's Digest of Reports.

New Hampshire.

Vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, Reports of; vols. 13, 19, Second series Reports of; vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, Foster's Reports of; vols. 1, 2, 3, 4, Fogg's Reports of; Bell's Digest of Reports of; Journals of Assembly, 1856, '57, '58, '59.

Received—Vols. 5, 6, Fogg's Reports; 12th Report of Com. Schools; Catalogue of State Library; Laws of 1858.

New Jersey.

Vol. 1, Green's Report of; vols. 2, 3, 4, Harrison's Report of; vol. 1, Spencer's Report of; 1, 2, Southard's Reports of; vols. 1, 2, 3, 4, Zabriskie's Reports of; vols. 1, 2, 3, Green's Chancery Reports of; vols. 1, 2, Stockton's Chancery Report of; Nixon's Digest of Laws, 1709 to 1855. Laws of 1855, '56, '57.

Received—Vol. 2, Dutcher's Report; Laws of 1859.

New Mexico.

Laws of 1855, '56, '57; Diarodel Consego, 1854, '55, '56, '57.

New York.

Vols. 1 to 20 inclusive, Johnson's Reports; vols. 1 to 11, Paige's Chancery Reports; vols. 1 to 9, Cowen's Reports; vols. 1 to 26, Wendell's Reports; vols. 1 to 70, Hill's Reports; vols. 1 to 5, Denio's Reports; vols. 1 to 4, Court of Appeals, Comstock; 1 to 4, Kernan's Reports of Appeals; vols. 1 to 5, Selden's Reports of Appeals; vols. 1 to 4, Smith's Reports of Appeals; vols. 1 to 7, Johnson's Chancery Reports; vol. 1, Hopkins's Chancery Report.

Received—Vols. 1, 2, 3, Revised Statutes, second edition, from 1828 to 1835; Laws of New York from 1836 to 1859, inclusive; 1 vol. Tax Laws; Index to Laws, from 1842 to 1855; Code of Criminal Procedure; 1 vol. Poor Laws; vols. 1, 2, 3, 4, Report of the Commissioners on Practice and Pleadings of Code of Procedure; 1 Sup. to the Code Procedure; Special acts of Code of Civil and Criminal Procedure; vols. 1 to 10 inclusive, Colonial History; Convention Journal, 1846; 11 copies 71st Report Regents University; 1 copy 11th Report Regents University; 1 copy 72d Report Regents University; 22 vols. Documents Assembly, 1857 to 1859; Report of Trustees of State Library; vols. 1 to 3, Johnson's Cases; vols. 1 to 3, Came's Reports; Code of Public Instruction; General Index to Laws of 1842; Code of Civil Procedure; vols. 1, 2, 3, Barbour's Chancery Reports; Parker's Criminal Reports, 2 vols.

North Carolina.

Vols. 1 to 13, inclusive, Iredell's Law Reports; vol. 1, Busbee's Law Report; vol. 1, Jones's Digest of Reports; vols. 2, 3, 4, 5, Jones's Law

Reports; vols. 1, 2, Devereux's Equity; vols. 1 to 8, inclusive, Iredell's Equity; vol. 1, Busbee's Equity; vols. 2, 3, Jones' Equity; Revised Code of 1855; Laws of 1854, '55, '56, '57.

Ohio.

Vols. 1 to 9, inclusive, Hammond's Rev. Reports; vols. 1 to 6, Hammond's State Reports; vol. 1, Supreme State Reports; vol. 1, Swan's Statutes, Derby's edition.

Received—Vols. 7, 8, Ohio State Reports; Duplicate copies Ohio School Laws, 1858; Laws of Ohio, 1858; Nash's Digest.

Oregon.

Received—Laws of 1857, 1858; Journals of Council and House, 1857, 1858.

Pennsylvania.

Vols. 1, 2, 3, 4, Dallas's Reports; vols. 1, 2, 3, Reports of; vols. 1 to 10, inclusive, Watts' Reports; vols. 1, 2, 3, 4, 6, 7, 8, 9, Watts' and Seargent's Reports; vols. 1 to 17, inclusive, Seargent's and Rawl's Reports; vols. 1 to 23, inclusive, and vol. 25, State Reports; Laws of, from 1789 to 1850; Laws of, from 1856 to 1857.

Received—Laws of 1858, 1859.

Rhode Island.

Received—Vols. 1, 2, 3, 4, 5, Reports of; Laws of 1855, '56, '57, '58, '59; Laws January and May sessions, 1858; Revised Statutes of; 4 vols. Colonial Records; Supplement to Revised Statutes; Index to Acts and Resolutions, 1758 to 1850; Census of the Colony, 1774; Report General Assembly, 1856, '57, '58, '59.

South Carolina.

Vols. 1, 2, McCord's Reports of; vols. 1, 2, Nott and McCord's Reports; Harper's Law Reports; vol. 9, Richardson's Law Reports; vol. 1, Bailey's Equity Law Reports; vols. 1, 2, 3, 4, Equity Reports; vol. 1 Cheever Law cases; vol. 1, Cheever Chancery cases; Acts, Report of General Assembly, 1857.

Tennessee.

Vols. 2, 3, 4, Sneed's Reports.

Received—Vol. 5, Sneed's Reports; (duplicate copies) Code of Tennessee; Laws of 1857, 1858.

Texas.

Vols. 11, 13, 14, 15, 16, 17, 18, 19, 20, Reports; vol. 1. Digest of Reports; Laws of 1855, 1856; Codes of 1857; Laws of 1857, 1858; Oldham's and White's Digest Laws of; House and Senate Journals.

Utah Territory.

Revised Laws of 1855.

Received—Laws of 1858.

Vermont.

Vols. 1 to 24, inclusive, Reports of; vols. 1, 2, Tyler's Reports; vol. 1, Chapman's Reports; Reports of cases, 1793, 1821, 1824.

Received—Vols. 28, 29, 30, Williams's Reports; Laws of 1858; Catalogue of State Library; History of, by B. H. Hall; Sermon delivered before General Assembly; Report of Auditor of Apc., 1859; Report on the Artificial of Fish; Report of Railroad Courts of 1859; Report of Com. on Dred Scott decision; Geological Report of 1859; Report of the Geological Survey; Report on the Marbles of Vermont; Report of the Auditor of Accounts; Report (3d) of the Railroad Commissioner; Report (2d) of the Board of Education; Journals of Assembly, 1856, '57-'58, '59; First Registration Report, &c.

Virginia.

Vols. 1, 2, 3, 4, Hewing and Munford's Report; vols. 1, 2, 3, 4, 5, 6, Munford's Reports; vols. 1, 2, 3, 4, 5, 6, Randolph's Reports; vol. 1, State Reports; vols. 1 to 12, inclusive, Lee's Reports; vols. 1, 2, Robinson's Reports.

Received—Journals of House Delegates; vols. 1, 2, 3, 4, 5, parts December Session, 1857, 1858; Laws of 1857, 1858.

Washington Territory.

Laws of 1856, 1857; Journal of Council and House, 1856, 1857.

Received—Laws of 1858; Journals of 1858.

Wisconsin.

Vols. 1, 2, 3, 4, 5, Reports of; vols. 1, 2, 3, 4, Chandler's Reports.

Received—Vol. 6, Wisconsin Reports; Private Laws of 1854; Laws of 1854; Private Laws of 1857; Laws of 1857; Private Laws of 1858; Revised Statutes of 1858.

MISCELLANEOUS LAW LIBRARY.

Abbott on Shipping, 1 vol.; Adams on Ejectment, 1 vol.; Adams on Equity, 1 vol.; Angell on Law of Carriers, 1 vol; Angell on Fire and Life Insurance, 1 vol.; Angell on Limitations, 1 vol.; Archbold's Criminal Practice and Pleading, 3 vols.

Bacon's Abridgment, 10 vols.; Beck's Medical Jurisprudence, 2 vols.; Bishop on Marriage and Divorce, 1 vol.; Bingham on Infancy, 1 vol.; Blackstone's Commentaries, Chitty, 2 vols.; Bright on Husband and Wife, 2 vols.; Browne's Civil and Admiralty Law, 2 vols.; Browne on Statute of Frauds, 1 vol.; Broom's Legal Maxims, 1 vol.; Bouvier's Law Dictionary, 2 vols.; Bouvier's Institutes, vol. 2; Burrill's Law Dictionary, 2 vols.

Cobb on Slavery, 1 vol.; Conkling's Treatise, 1 vol.; Curtis on Copyright, 1 vol.; Curtis on Patents, 1 vol.; Chitty on Bills, 1 vol.; Chitty's Pleading, 3 vols.; Chitty's Criminal Law, 1 vol.; Coke upon Littleton, 2 vols.

Dayton on Surrogates, 1 vol.; Dunlap's Admiralty Practice, 1 vol.; Dunlap's Paley's Agency, 1 vol.; Domat's Civil Law—Strahan.

Edwards on Receivers in Equity, 1 vol.; Edwards on Bills and Promissory Notes, 1 vol.; Edwards on Bailments, 1 vol.; English Law and Equity Reports, 24 vols.; English Common Law Reports, 91 vols.; English Chancery Reports, 43 vols.; English Courts of Admiralty Reports (Robinson), vol. 6; Exchequer Reports, Crompton and Jervis, 2 vols.; Exchequer Reports, Crompton, Meeson and Roscoe's, 2 vols.; Exchequer Reports, Crompton and Meeson's, 2 vols.; Exchequer Reports, McLeland and Younge's, 1 vol.; Exchequer Reports, Younge and Jervis, 3 vols.; Exchequer Reports, Welsby, Hurlstone and Jordon's, 10 vols.; Exchequer Reports, Muson and Welsby's, 16 vols.

Fearne on Remainders, 2 vols.

Graham and Waterman's New Trials, 3 vols.; Gow on Partnership, 1 vol.; Gould's Pleadings, 1 vol.; Greenleaf's Overruled Cases, 1 vol.

Hilliard on Mortgages, 1 vol.; Hawkins' Pleas of the Crown, 2 vols.; Hill on Trustees, 1 vol.

Jarman on Wills, 2 vols.

Kent's Commentaries, 4 vols.; Kyd on Awards, 1 vol.

Leading cases in Equity (Hare and Wallace's notes), 3 vols.

Marshall on Insurance, 2 vols.; Mitford's Chancery Pleadings (English), 1 vol.; Miscellaneous Library, 253 vols.; Morehead's Practice, 1 vol.

Parsons on Contracts, 2 vols.; Phillips on Insurance, 2 vols.; Phillips on Evidence, 5 vols.

Roberts on Frauds, 1 vol.; Roper on Legacies, 2 vols.; Roscoe's Criminal Evidence, 1 vol.; Russell on Crimes, 1 vol.

Saunders on Pleadings and Evidence, 3 vols.; Sedgwick on Measure of Damages, 1 vol.; Sheppard's Touchstone, 3 vols.; Smith's Commentaries on Constitutional Construction, 1 vol.; Smith's Leading cases, 2 vols.; Starkie on Slander, 2 vols.; Story on Agency, 1 vol.: Story on Bailments, 1 vol.; Story on Constitution, vol. 2; Story on Contracts, 1 vol.; Story on Conflict of Laws, 1 vol.; Story on Equity Pleadings, 1 vol.; Story on Equity, vol. 2; Story on Partnerships, 1 vol.; Story on Sales, 1 vol.; Sugden on Vendors, 1 vol.

The Reporters, by John W. Wallace, 1 vol.

U. S. Statutes, Reports, &c.—Cranch's Reports of, vols. 3, 4, 5, 6, 7, 8, 9; Wheaton's Reports of, vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; Peter's Reports of, vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16; Howard's Reports of, from 1 to 21 inclusive; McLean's Reports of, vols. 1, 2, 3, 4, 5, 6; Gordon's Digest of; Opinions of Attorney-Generals, from 1789 to 1850; Opinions of Attorney-Generals, vols. 1, 2, 3, 4, 5; Statutes at large of, vols. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11; Digest of Laws of, vols. 7, 8, 9, 10, 11, 12, 13, 14. Annals of Congress of, from its first session to the 2d vol. of the first session of the 18th Congress, 55 vols. American Archives of, from 1774 to 1776, 6 vols. Documents of Congress, 1,092 vols. Exploring Expedition of Charles Wilkes, 10 vols.

Viner's Abridgment, 24 vols.: Viner's Supplement, 6 vols.

Waterman's Eden on Injunctions, 1 vol.; Wheaton's Selwyn, 2 vols.; Wigram on Discovery, 1 vol.; Willard's Equity Jurisprudence, 1 vol.

Received—The Monthly Journal of American Geographical and Statistical Society, 9 numbers.

On motion of Mr. Reeves

The Joint Convention adjourned *sine die.*

The Council having resumed business,

Mr. Reeves offered the following resolution which was adopted:

Resolved, That the Chief Clerk be instructed to procure the printing of 3000 copies of the Governor's Message for the use of the Council.

Mr. Collier moved to suspend the rules that the resolution to elect a fireman may be taken from the Clerk's desk.

Carried.

On motion,

Resolution was adopted.

Nominations for fireman being now in order,

Mr. Miller nominated Jesse T. Davis of Washington county.

Mr Boykin nominated Lewis A. Driskoll of Sarpy county.

No other nominations being made the Council proceeded to elect viva voce.

	Received.
Mr. Driscoll,	6
Mr. Davis,	6

No election.

Second vote:

	Received.
Mr. Driscoll,	6
Mr. Davis,	6

No election.

Mr. Taylor moved that the whole subject matter be indefinitely postponed.

Upon which the ayes and nays were demanded.

Ayes—Messrs. Donelan, Reeves and Taylor.—3.

Nays.—Messrs. Boykin, Collier, Doane, Furnas, Little, Miller, Porter, and Scott.—8.

Lost.

The Council proceed to a third vote.

	Received.
Mr. Driscoll,	7
Mr. Davis,	5

Mr. Driscoll having received a majority of all the votes cast was declared duly elected.

Mr. Scott moved to adjourn until 10 o'clock to-morrow morning, and hereafter when the Council adjourned it adjourns to meet at 10 o'clock the subsequent morning.

Carried.

And the Council stood adjourned.

S. M. Curran, Chief Clerk.

COUNCIL CHAMBER,
Wednesday, Dec. 7th, 1859.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

On motion of Mr. Miller,

The Hon. J. F. Kinney of Otoe county, was invited to a seat within the bar at pleasure.

The President announced the following Standing Committees:

Judiciary—Messrs. Doane, Taylor and Little.
Finance—Messrs. Reeves, Doane and Dundy.
Education—Messrs. Miller, Furnas and Reeves.
Military Affairs—Messrs. Collier, Boykin and Scott.
Highways and Bridges—Messrs. Dundy, Scott and Boykin.
Expenditures—Messrs. Little, Cheever and Porter.
Corporations—Messrs. Scott, Taylor and Doane.
Territorial Library—Messrs. Taylor, Collier and Little.
Public Buildings—Messrs. Cheever, Boykin and Doane.
Elections—Messrs. Furnas, Porter and Dundy.
Counties—Messrs. Porter, Scott and Collier.
Printing—Messrs. Furnas, Miller and Doane.
Agriculture—Messrs. Boykin, Porter and Reeves.
Engrossed and Enrolled Bills—Messrs. Reeves and Furnas.

Mr. Collier introduced the following resolution which was adopted:

Resolved, That a committee of two be appointed by the President to wait upon the Secretary and consult with him in relation to an arrangement being made for the payment of postage for the members of the Council during this session.

Messrs. Collier and Porter were appointed said committee.

Mr. Furnas introduced the following resolution which was Adopted.

Resolved, That the Chief Clerk be and is hereby authorized to procure for members of the Council, together with the Chief and Assistant Clerks, newspapers of their own selection to the amount of three dollars each.

Mr. Boykin moved that the Chief Clerk be instructed to procure a sufficient number of printed copies of the standing committees of the Council for the use of the members.

Carried.

The following notices of bills were given:

By Mr. Furnas,

Of a bill for an act to amend "An act for the better regulation of schools in Nebraska."

Also,

Of a bill providing for the collection of agricultural statistics in the territory.

Also,

Of a bill for the encouragement of territorial and county agricultural societies.

Also,

Of a bill providing for the better protection of school lands.

Also,

Of a bill regulating legal advertisements in newspapers, and providing for the publication of all general laws in certain newspapers in the territory.

By Mr. Boykin,

Of a bill to define the boundaries and locate the county seat of Dawson county.

By Mr. Scott,

Of a bill to locate a territorial road from De Soto in Washington county to Fontenelle in Dodge county.

By Mr. Taylor,

Of a bill to incorporate the Nebraska city and Denver city express company.

Mr. Taylor introduced

C. B. No. 2, "A bill for an act to abolish and prohibit slavery or involuntary servitude."

Read first time.

C. B. No. 1, "A bill relative to the transportation of convicts."

Read second time.

On motion of Mr. Reeves,

Referred to a select committee of three.

Messrs. Reeves, Miller and Doane were appointed said committee.

Mr. Collier, chairman of the committee appointed to wait upon the Secretary relative to postage, reported that the Secretary was absent, and they were unable to discharge their duty.

Report accepted.

On motion of Mr. Miller,

The Council resolved itself into a Committee of the Whole, to take into consideration the Governor's Message.

The Hon. Mills S. Reeves in the chair.

After remaining sometime therein the committee rose.

On motion of Mr. Miller,

The Council took a recess for fifteen minutes.

12 *o'clock M.*

Council met.

President in the chair.

Mr. Reeves, chairman of the Committee of the Whole made the following report:

The Committee of the Whole have had under consideration the Governor's Message, and recommend that so much thereof as relates to the amendment of the civil and criminal codes be referred to the Committee on the Judiciary.

That so much as relates to the area of public surveys, and the number of counties be referred to the Committee on Counties.

That all that portion relating to climate, early explorations and history of the territory, together with its agricultural and mineral resources be referred to the Committee on Agriculture.

That all that portion relating to revenue be referred to the Committee on Finance, Ways and Means.

That all that portion relating to the growth of timber be referred to a select committee consisting of Messrs. Furnas, Miller and Dundy.

That all that portion relating to a homestead be referred to a select committee consisting of Messrs. Miller, Boykin and Doane.

That all that portion which relates to Usury be referred to the Committee on Finance, Ways and Means.

That all that portion which relates to the compensation and fees of officers be referred to the Committee on Expenditures.

That all that portion relating to annual reports of the Territorial Auditor and Treasurer be referred to the Committee on Finance, Ways and Means.

That all that portion relating to the Territorial Library be referred to the Committee on Library.

That all that portion relating to the sale of real estate under execution and the custody and punishment of criminals be referred to the Committee on the Judiciary.

That all that portion relating to public buildings be referred to the Committee on Public Buildings.

That all that portion relating to the recent Indian outrages be referred to the Committee on Military Affairs.

That all that portion relating to a state organization be referred to a select committee consisting of Messrs. Miller, Boykin and Doane.

All of which is respectfully submitted,

Mills S. Reeves, Chairman.

Report adopted.

On leave,

Mr. Reeves gave notice of a bill to provide for the formation of a constitution and state government for the state of Nebraska.

Mr. Miller moved that the Chief Clerk be instructed to inform the House that a committee was appointed on the part of the Council to confer with a like committee on the part of the House upon the subject of a state organization.

Carried.

Mr. Dundy moved that Mr. Taylor be added to the Joint Committee on Conference.

Carried.

On motion of Mr. Porter,

The Council adjourned.

S. M. Curran, Chief Clerk.

Council Chamber,
Thursday, Dec. 8th, 1859.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Porter moved that Mr. Miller be excused from serving on the Joint Committee on State Organization.

Carried.

Mr. Miller moved that Mr. Reeves be appointed in his stead.

Carried.

On motion of Mr. Dundy,

Mr. Boykin was excused from serving on Joint Committee on State Organization.

Mr. Miller presented a petition from a large number of the citizens of Douglas county, praying for a law extending the time for the payment of taxes in Douglas county, for the year 1859, to the first day of March, 1860, without interest.

Laid over under the rules.

The select committee to which was referred

C. B. No. 1, "A bill relative to the transportation of convicts,"

Have had the same under consideration, and believing that there is an urgent necessity for legislation upon the subject, respectfully beg leave to recommend its passage without amendment.

Mills S. Reeves,
Geo. L. Miller.

Report adopted.

On motion,

Messrs Miller and Dundy were appointed a select committee of two, to report rules for the government and regulation of the Council for this session.

The following notices of bills were given:

By Mr. Furnas,

Of a bill to amend the revenue law of this territory.

By Mr. Taylor,

Of a bill to incorporate the Nebraska city and Denver city rail road company.

Also,

Of a bill to repay Otoe county four hundred dollars paid into the territorial treasurer by the treasurer of said county for the year 1858.

By Mr. Reeves,

Of a bill to fix the times for holding the district courts in Otoe county.

By Mr. Little,

Of a bill to exempt homesteads from forced sale on execution.

By Mr. Boykin,

Of a bill for the protection of different kinds of game in this territory.

By Mr. Collier,

Of a bill for an appropriation to build a bridge across Black Bird creek, at the Indian village on the Omaha reservation in this territory.

By Mr. Dundy,

Of a bill to regulate elections.

Also,

Of a bill to punish persons guilty of fornication, bastardy and adultery.

Also,

Of a bill to fix a penalty in cases of assault and battery.

Mr. Taylor introduced

C. B. No. 3, "A bill for an act to regulate the interest on money."

Read first time.

Mr. Miller introduced

C. B. No. 4, "A bill to extend the time for paying taxes in Douglas county."

Read first time.

Mr. Reeves introduced

C. B. No. 5, "A bill for an act relative to a State Organization.

Read first time.

On motion,

Rules suspended, and the bill read second time by its title, and referred to the Committee on State Organization.

On motion of Mr. Furnas,

One hundred copies of the bill was ordered to be printed for the use of the Council.

Mr. Dundy,

C. B. No. 6, "A bill for an act to authorize George R. Fish to erect a mill dam.

Read first and second times,

And referred to the Committee on Corporations.

Mr. Dundy introduced

C. B. No. 7, "A bill for an act to resurvey a part of the territorial road leading from Rulo in Richardson county, to Blue Springs in Gage county."

Read first and second times,

And referred to the Committee on Highways, Bridges and Ferries.

Mr. Dundy introduced

C. B. No. 8, "A bill for an act to incorporate the Platte river bridge and ferry company."

Read first time.

C. B. No. 2, "A bill for an act to abolish and prohibit slavery or involuntary servitude."

Read second time.

On motion,

Referred to a select committee of three, composed of

Messrs. Taylor, Miller and Doane.

C. B. No. 1, "A bill in relation to the transportation of convicts," was

On motion of Mr. Doane,

Referred to a select committee of one.

Mr. Doane appointed said committee.

On motion of Mr. Miller,

The Council adjourned.

S. M. Curran, Chief Clerk.

Council Chamber,
Friday, Dec. 9th, 1859.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Miller presented a petition for the relief of George A. Graves.

Referred to the Committee on Finance, Ways and Means.

The Committee on Corporations to which was referred

C. B. No. 6, entitled "A bill for an act to authorize George R. Fish to erect and keep a mill dam across the north fork of the Great Nemaha river,"

Have had the same under consideration, and recommend its passage.

George E. Scott,
W. H. Taylor.

Report adopted.

The Committee on Highways, Bridges and Ferries, to which was referred

C. B. No. 7, "A bill for an act to resurvey a part of the territorial road leading from Rulo in Richardson county, to Blue Springs in Gage county,"

Have had the same under consideration and report it back without amendment and recommend its passage. E. S. Dundy, Chairman.

Report adopted.

The following notices of bills were given:

By Mr. Furnas,

Of a bill providing for township organizations.

By Mr. Scott,

Of a bill to incorporate Platte city.

Also,

Of a bill to incorporate Sweet Water city, in Nebraska.

By Mr. Dundy,

Of a bill to incorporate the town of Table Rock in Pawnee county.

Also,

Of a bill to incorporate a seminary at Table Rock in Pawnee county.

Also,

Of a bill to charter a ferry across the Missouri river, at Rulo in Richardson county.

Also,

Of a bill to incorporate the Rulo Falls city and Pike's Peak express and stage company.

By Mr. Porter,

Of a bill to exempt homesteads from forced sale on execution.

Mr. Reeves introduced

C. B. No. 9, "A bill for an act to fix the times for holding the district court in Otoe county."

Read first time.

Mr. Taylor introduced

C. B. No. 10, "A bill for an act to refund to Otoe county, the taxes paid into the territorial treasury for the year A. D. 1858, and for other purposes."

Read first and second times,

And referred to the Committee on Finance, Ways and Means.

Mr. Furnas introduced

C. B. No. 11, "A bill for an act regulating the rates of legal advertisements.

Read first time.

Mr. Little introduced

C. B. No. 12, "A bill for an act to exempt homesteads from forced sale on execution."

Read first time.

On motion of Mr. Miller,

The bill was laid on the table and fifty copies ordered printed for the use of the Council.

C. B. No. 8, "A bill for an act to incorporate the Platte River bridge and ferry company.

Read second time,

And referred to the Committee on Highways, Bridges and Ferries.

C. B. No. 3, "A bill for an act to regulate interest on money.

Read second time,

And referred to the Committee on Finance, Ways, and Means.

On motion of Mr. Taylor,

Fifty copies were ordered printed.

C. B. No. 4, "A bill for an act to extend the time for paying taxes in Douglas county.

Read second time,

And referred to the Committee on Finance, Ways and Means.

On motion of Mr. Miller,

The petition of the citizens of Douglas county, referring to the same matter, was taken from the table and referred to the same committee.

C. B. No. 7, "A bill for an act to resurvey a part of the territorial road leading from Rulo in Richardson county, to Blue Springs in Gage county."

Read third time.

On motion,

Passed and title agreed to.

C. B. No. 6, "A bill for an act to authorize George R. Fish to erect a mill dam."

Read third time.

On motion,

Passed and title agreed to.

Mr. Miller offered the following resolution which was adopted:

Resolved, That the Committee on Corporations be instructed to report to this body, "A bill for a general incorporation act."

Also the following which was adopted:

Resolved, That the Committee on Highways, Bridges and Ferries, are hereby instructed to examine the laws regulating ferries, and enquire into the expediency of reporting a general law by which ferry companies can be organized without resort to special legislation.

The select committee appointed to wait upon the Secretary and make inquiries relative to postage for the members during this session, have performed their duty and beg leave to report, that the Secretary has made arrangements for the payment of postage for the members of the Council, they writing their names and the word "Council" on their mail matter. THOMAS T. COLLIER, Chairman.

Report received and committee discharged.

The select committee of one to which was referred,

C. B. No. 1, "Relating to the transportation of convicts,"

Reports the same back and recommends the following amendments: Add as sections 4, 5 and 6, the following:

§ 4. The Governor shall transmit with his warrant a certified transcript of the judgment of the court sentencing such convict.

§ 5. In all cases when any convict under sentence and in confinement in any of the jails or other place of confinement within this territory, when this act takes effect shall be transported to the penitentiary of any state under the provisions of this act to serve out the balance of the unexpired term of his sentence, the term for which he was sentenced shall be construed to commence from the date of the judgment of the court pronouncing such sentence unless otherwise directed in such sentence, and the term of all sentences hereafter pronounced upon convicts by any of the courts of this Territory shall begin from the date of the judgment of the court pronouncing sentence, unless the court shall otherwise direct in the sentence.

§ 6. The imprisonment of any convict under sentence by any of the courts of this Territory, in the penitentiary of any state as provided for by this act, shall have the same effect and be as lawful an execution of the sentence of such court in all respects as if such convict were imprisoned in a penitentiary or jail within the limits of this Territory.

Amend sec. 3, by striking out the words "now in custody," and insert the words "who may then be under sentence," also add after the words "Governor" in the same section the words "by the sheriff of the proper county."

Amend section by adding after the words "Territorial Treasury," the words "upon the warrant of the Governor."

Amend the title by substituting "An act to provide for the execution of sentence upon convicts and their transportation to the penitentiary of a state."

All of which is respectfully submitted,

GEORGE W. DOANE, Select Com.

Laid over under the rules.

On motion of Mr. Porter,

The Council adjourned until Monday morning.

S. M. CURRAN, Chief Clerk.

COUNCIL CHAMBER,
Monday, Dec. 12th, 1859.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain of the House.

Journal read and approved.

The Committee on Finance, Ways and Means, to which was referred the petition of citizens of Douglas county for an extension of the time for the payment of taxes.

And also,

C. B. No. 4, "A bill to extend the time for paying taxes in Douglas county,".

Have had the same under consideration and respectfully beg leave to report; that in the opinion of the committee all laws of a general nature ought to be of uniform application throughout the territory, and that the passage of the bill under consideration would be unwise, impolitic, as well as unjust to the balance of the territory.

Sympathising, however, with the citizens of Douglas county, and the territory at large, who feel that our taxes are a "grievous burden hard to be borne," your committee have embodied such amendments to the revenue law, as could be made without impairing its efficiency, into a bill which is herewith reported, and which is believed will afford some degree of relief to the tax payers of the entire territory, and the passage of which is earnestly recommended.

MILLS S. REEVES, Chairman.

Laid over under the rules.

Message from the House.

HOUSE OF REPRESENTATIVES,
Monday, Dec. 12th, 1859.

Mr. President:

I have the honor to inform your honorable body that the following joint resolution has passed the House and the concurrence of the Council is requested:

"Be it resolved by the Council and House of Representatives of the Territory of Nebraska, That one thousand copies of the Governor's message be printed in the German language, and that each house be entitled to five hundred copies of the same for distribution."

I am further instructed to inform your honorable body that Messrs. Reck and Bain have been appointed a committee on the part of the House to act with a similar committee on the part of the Council to superintend the translation and printing of the Governor's message in the German language.

I have been instructed also, to inform your honorable body that Messrs. Broadhead, Taffe, Noel, Tuffs and Nuckolls of Richardson, have been appointed a committee on the part of the House to confer with the committee appointed by your honorable body with reference to state organization.

I have also the honor to inform your honorable body that Messrs. Taffe, Hanscom and Noel, have been appointed a committee on the part of the House to confer with a similar committee on the part of the Council, for the purpose of preparing joint rules, in all of which the early concurrence of your honorable body is respectfully requested.

J. W. MOORE, Chief Clerk.

The chairman of the select committee to which was referred

C. B. No. 2, "A bill for an act to prohibit slavery or involuntary servitude,"

Have had the same under consideration, and being unable to agree with the majority of the committee beg leave to report:

That the ostensible objections urged against the passage of the bill, are two-fold in their character. First, it is said by the opponents of free states and free territory that "slavery does not practically exist in Nebraska territory," in reply I affirm the converse of the proposition to be true, and will give the facts to show that *"slavery does practically exist in Nebraska."* There has never been to my knowledge a federal officer appointed to any office in this territory from any slave state of this Union that has not brought with him into the territory a negro or negroes, who have been and are now held in slavery.

E. A. Deslonde, Esq., Receiver of Public Moneys at Nebraska city, has one or two slaves. Now if slavery does not exist here then the slave is free the instant he sets foot on Nebraska soil, provided he came with his master for the purpose of residing in Nebraska.

I know of my own knowledge that the Hon. S. F. Nuckolls, a democratic member of the Territorial Legislature, had three colored persons whom he claimed as slaves up to a very late period; two of these persons escaped from Mr. Nuckolls in the winter of '58 and '59, and the other a colored man of twenty-five years of age, was sold by him, if I am correctly informed, and carried to some of the southern slave holding states, as a slave in the spring of 1859. This man had been a resident of Nebraska for about three years. Mr. A. Majors, one of the government contractors, has a number of colored persons at Nebraska city whom he claims as slaves, now in the Territory of Nebraska. Judge C. F. Holly has two colored persons whom he claims as slaves. How many more there are at present in the territory, I am not advised.

But the fact is undisputable. African slavery does practically exist in Nebraska. Our eyes can not deceive us, and if slavery is wrong, morally, socially or politically, it is wrong to hold one slave. There is no distinction in principle between holding one human being in bondage and ten thousand.

Again, as evidence that slavery does exist and is considered to be a legal institution here I have only to cite the fact that the Hon. S. F. Nuckolls before alluded to has instituted suit in the second judicial district court of this territory against certain parties residing in the state of Iowa for the value of two colored persons—his slaves, whom he alleges were abducted from him in the spring of 1858 and 1859, which is now pending in said courts and undecided.

Second, It is said by those who oppose the passage of this bill that the "let alone policy is the most commendable." If it be true that we are all in favor of freedom, a free territory and a free state, why recommend the let alone policy as the most commendable? Why curse our virgin soil with the foot prints of African slavery? Why suffer our pure atmosphere to be poisoned with the breath of negro slavery? Had the early settlers of Virginia prohibited the landing of the first slaver at the mouth of James river, they would not have been cursed with servile insurrection to-day. I would inquire of the opposers of this bill when is the proper time to pass an act like the one under consideration? Shall we wait until slavery has acquired a permanency? Reason and observation suggest to me that now is the time to prohibit slavery. Those who oppose the passage of this bill either want human slavery, or are afraid to speak out their sentiments, lest the slave power at Washington should be offended, there is no escape from this conclusion. But again it is said "naught but mischief can arise from the ill timed and injudicious agitation of the question." This was the argument used by the slave propagandists in Kansas to force slavery upon that people. If a constitutional convention was now in session, it would be said by those who oppose this bill "don't agitate the question," "nought but mischief can arise by inserting a clause in the state constitution prohibiting involuntary servitude." Gentlemen of the Council, if you are honestly in favor of Nebraska being a free territory and ultimately a free state, how can the passage of this bill generate an injudicious agitation? Men holding a common sentiment and desiring a common object do not get up an ill timed and injudicious agitation. Nothing short of a sincere opposition to free white labor and a free territory can produce agitation or excitement.

Remember it is the clashing of public sentiment upon the same subject matter, and not its argument that produces the results contemplated by you. Vote for this bill that makes Nebraska free and prevents persons being held in slavery and there will be no agitation. We will have then done all in our power and whole duty, to rid ourselves of the cursed institution of slavery.

But it is objected the bill presupposes the existence of slavery by virtue of the Constitution of the United States. It presupposes no such thing, but simply admits the facts that persons are to day held in slavery by usage, or custom or somehow, and that it ought not to be permitted; however, we all do know that this administration and a majority of the American Senate, and ninety-three democrats in Congress of the United States contend that slavery exists in all territories of the United States by virtue of the constitution as much and as certainly as in Georgia or South Carolina. Attorney General Black has recently written several pamphlets to demonstrate this proposition. It can not be denied, it is contended by a large party in the country that the people of the territories in their territorial capacity have no power to legislate upon the subject of slavery, until they become sufficiently numerous to form a state constitution and ask for admission into the Union. And this same party maintains that Congress has now power to legislate upon the subject. Thus leaving the people of the territories to be cursed with slavery, without the ability on their part or on behalf of Congress to get rid of it, so long as the territorial existence continues.

While on the other hand, it is contended that the people of the territories in their territorial capacity, have the right and power to abolish and prohibit slavery. This position is contended for and sustained by arguments of great force. How the friends of Senator Douglas can oppose this bill, if they are really in favor of making Nebraska a free state, is astounding to me. We can account for the opposition of the administration democracy. The Territory of Kansas has prohibited slavery after an unprecedented struggle against the policy of the two last administrations, and why should not Nebraska act?

Believing that the power exists in the Territorial Legislature under and by virtue of the organic act and as the inherent right of every separate community to regulate their own affairs and institutions, free from foreign or federal intervention, and that Nebraska should be a free territory and forever dedicated to free white labor, and knowing that slavery does practically exist here, I earnestly recommend the passage of the bill for the following reasons:

1st. Because no human being should be held in slavery in this Territory, now or hereafter.

2d. Because slavery does practically exist in Nebraska, and should be prohibited.

3d. Because the people of the Territory in their territorial capacity, have the power to prohibit slavery or involuntary servitude and are responsible for its continuance.

4th. Because the administration and a large party in this country maintain that neither the people of the territories nor the Congress of the United States have the power to legislate upon the subject of slavery; and it is time the monstrous proposition was settled and forever put to rest by the judicial tribunals of the land.

5th. Because the passage of the bill will forever rid us of the excitement created in a neighborhood by the slavery propagandist, upon the escape of a slave from bondage.

6th. Because now is the most propitious time to rid ourselves of slavery if there is any thing in popular sovereignty.

7th. Because if we permit persons to hold slaves and slavery to exist in Nebraska, when we can get rid of it, we will be justly censured by the present and succeeding generations.

All of which is respectfully submitted to the consideration of the Council. WILLIAM H. TAYLOR, Chairman.

Laid over under the rules.

The select committee to whom was referred

C. B. No. 2, "A bill for an act to abolish and prohibit slavery or involuntary servitude, have had the bill under consideration, and beg leave, respectfully, to report as follows:

The first question suggested by the examination of this measure, refers to the necessity, if any, which exists from the enactment of such a law in this Territory. It is understood that our power to pass such a law, and impart to it validity, is extensively desired, and as there is known to be in the Territory, as well as throughout the Union, great diversity of opinion; both as to the power of the Territorial Legislature over the question of slavery, and the expediency of attempting its exercise, your committee deem it extremely injudicious for the Legislature to lend itself to the agitation of a subject, which, to the people of Nebraska, is conceded to be really of no practical importance. As to the necessity which exists at present, or which is likely to exist in the future, for such a law in this Territory, there can be no two intelligent opinions. No sane person for a moment, supposes that Nebraska is in the slightest possible danger of being either a slave territory or a slave state. Popular sentiment in Nebraska is universally against the institution of slavery, and even if it were not, and the public voice were to pronounce to-day in favor of its establishment here, the controlling laws of nature peculiar to the latitude, would utterly preclude the possiblity of its obtaining a permanent place among us. Suppose it true, which it is not, that the Territory does furnish a profitable field for slave labor, who is there so infatuated as to believe for an instant, that this Territory, peopled almost entirely by men whose associations from infancy, and whose education in the midst of free institutions have conducted them into manhood, not only with all their prejudices, but with all the convictions of their judgment against the institution, who so foolish as to say that legislation is required, or ought to be granted upon this subject?

Your committee have felt it to be their duty to inquire into the cause which induced the introduction of the bill under consideration. Having made diligent search with a view to ascertaining whether any slaves exist in Nebraska, to their utter suprise, after four days' anxious inquiry and labor, they are prepared to report to the Council, that south of the Platte river, owned and held as such by highly respectable gentlemen, there are six slaves and a half, the fractional portion refering to a small negro boy, who is in excellent and humane keeping in that section of the Territory. Now, instead of becoming alarmed at this information, your committee are rather disposed to congratulate the Council and the country upon the fortunate condition in which these slaves are found.

We are happy to add, on the best authority, that their servitude is entirely voluntary, and that they are perfectly contented with their lot. It is to be observed that these slaves were originally from Missouri and Louisiana. One of them, we are informed, proves a great burden to his owner, by being subject to *fits*. What can be done to lighten the burden of the master, or remedy the terrible malady of the slave, we leave to your candid and careful consideration. At all events it is very clear, that in removing to this Territory, these slaves have been merely changed from a worse to a better condition, and, surrounded as they are, by increased comforts, and having before them the almost certain prospect of ultimately gaining their freedom, it would seem to be absolute cruelty in the Legislature, even if it had the power and the purpose to do it, to enact a law here which would compel their owners to sell them into a worse bondage, where these prospects would be forever blasted.

A noticeable fact to be found by reference to the Census Record of 1855. At that time thirteen slaves existed in Nebraska. Under the operation of incidental causes, aided by the stealing propensities of an unprincipled set of abolitionists, inhabiting a place called Civil Bend, Iowa, the number has been reduced to the insignificant figure of four and half slaves, all told. This furnishes abundant proof of the entire uselessness of the legislation for which the bill under consideration calls, even if it could be shown, which it can not be, that there is any other cause for apprehension upon the subject.

Your committee feel fully impressed with the conviction that the people of Nebraska sent their representatives to the Capitol, to carry out the legitimate objects of legislation. We are not here to waste our time in framing and passing laws which would be but so many dead letters upon the statute book, but we are required to devote the brief time alloted for the annual session in laboring for the enactment of wholesome and just laws, which are known to be demanded by the public interests. The legislative session is limited to forty days. Experience and daily observation admonish us that the time is full short enough, with the most constant attention to our proper duties for us to answer the demand for such legislation as is required by the general interests of the people. Indeed we should be recreant to our trusts, were we to depart from the plain path of duty in this respect.

There is still another consideration which goes to show the want of any necessity for the passage of a law upon the subject of slavery. A bill is already before you, and almost a certainty of becoming a law, calling a convention for framing a constitution preparatory to admission as a state, into the confederacy. We are then to assume permanent character, and are to decide by the exercise of rights which are absolute and unquestioned, upon the nature and complexion of our domestic institutions. In obedience to law, and in perfect loyalty to the constitution of the United States, having no "higher" guides to civil duty than are to be found in that great instrument, the people of Nebraska will then assert the high prerogatives which are the attributes of independent sovereignity. The exercise of a doubted power while in our territorial condition in regard to a subject which is notoriously of no practical importance to us or others, would be committing us to a folly, which would certainly expose us to merited ridicule, if not to deserved rebuke.

Your committee deem it proper to state, that in making their report, they were denied access to the report of the minority for reasons which are best known to its author. Hence the report of the majority of your committee is of necessity made without reference to that of the minority. But in view of all the circumstances of the case, the admitted absence of any necessity, either for the bill under consideration, or the report which is made upon it, it may be justly presumed that both were designed for the single and sole purpose of agitating a subject which may be thought calculated to advance the political interests of restless and ambitious men, at the expense of the peace, harmony and good-will that ought to unite in the bond of common hopes and common aims, the people of the Territory, which certainly requires the combined efforts and energies of all to secure to it that position to which, by its inexhaustible resources, geographical situation, and other advantages, it is so very justly entitled. Nor can your committee permit the occasion to pass without expressing the opinion, that the effort to introduce to Nebraska, the popular excitements which have agitated and distracted other communities in our neighborhood, will be a miserable failure. The people understand the motives which move men to engage in these political games, and they will meet them in the proper way, and by the proper means, regarding only those things that shall best redound to the political peace and permanent prosperity of the entire Territory.

Your committee respectfully recommend that the bill be referred to the Committee of the Whole, and that it be made the special order for some future day of the session. GEORGE L. MILLER.

Laid over under the rules.

Message from the house:

House of Representatives,
Monday, December 12, 1859.

Mr. President:

I have to inform your honorable body that the House has passed H. F. No. 25, and the concurrence of your honorable body is requested therein. J. W. Moore, Chief Clerk.

Mr. Little offered the following resolution which was laid over one day:

Resolved, That the Clerk of the Council be required to furnish a copy of the journal to Messrs. Robertson and Clark for publication in the Daily Nebraskian, and that he be required also to furnish to the Council 100 copies of the same during the session for the use of the members.

The following notices of bills were given:

By Mr. Taylor,
Of a bill to regulate the limitation of all actions in the territory.
By Mr. Miller,
Of a bill to incorporate the Pappillon mill company.
Also,
Of a bill to defray the expenses of convicts in the several county jails of this territory.
By Mr. Boykin,
Of a bill to define the boundaries of Shorter county, and locate its county seat.
Also,
A bill to better define the boundaries of the city of Bellevue, and for other purposes.

On motion of Mr. Miller,
Hon. J. F. Kinney and Judge Miller of Otoe county, were invited to a seat within the bar at pleasure.
Mr. Reeves introduced
C. B. No. 13, "An act to amend the charter of Nebraska city."
Read first time.
Mr. Dundy introduced
C. B. No. 14, "A bill for an act to regulate elections."
Read first time.
Mr. Dundy introduced
C. B. No. 15, "An act to incorporate the Table Rock seminary."
Read first time.
C. B. No. 16, "An act to incorporate the town of Table Rock."
Read first time.

Mr. Little gave notice of a bill to exempt a certain amount of personal property from forced sale on execution.
C. B. No. 11, "A bill for an act regulating the rates of legal advertisements.

Read second time,
And referred to Committee on Printing.

C. B. No. 9, "A bill for an act to fix the times for holding the district court in Otoe county."

Read second time,
And referred to the Committee on Judiciary.

C. B. No. 12, "An act to exempt homesteads from forced sale on execution."

Read second time,
And referred to the Committee on Judiciary.

On motion of Mr. Miller,

C. B. No. 1, "An act relative to the transportation of convicts."
And the accompanying report was taken from the table.

Mr. Miller moved the following amendment to the amendment, which was
Adopted.

After the word "Governor" in section 3, strike out the words "by such person as the governor may appoint," and insert "by the sheriff of the proper county."

On motion,
The report and amendments as amended were
Adopted.

On motion of Mr. Miller,
The bill was ordered engrossed and read a third time to-morrow.

On motion the Council adjourned.

S. M. CURRAN, Chief Clerk.

COUNCIL CHAMBER,
Tuesday, Dec. 13th, 1859.

President in the chair.
Prayer by the Chaplain.
Journal read and approved.
Message from the House.

HOUSE OF REPRESENTATIVES,
Tuesday, Dec. 13th, 1859.

Mr. President:

I have the honor to inform your honorable body that the House has passed the following bills:

H. F. No. 21, "An act to legalize the first organization of Gage county, the location of the county seat thereof at Beatrice, and the official acts of the officers of said county."

Also,

H. F. No. 2, substitute "An act to authorize the treasurer of Johnson county to collect the taxes of said county."

Also,

H. F. No. 11, "An act to legalize the acts of William Pilgrim, late Register of Deeds in and for Dakota county."

And respectfully request the concurrence of your honorable body therein. J. W. MOORE, Chief Clerk.

The Committee on Engrossed and Enrolled Bills to which was referred

C. B. No. 1, "A bill for an act to provide for the execution of sentence upon convicts, and their transportation to the penitentiary of a state."

Report the same as correctly engrossed. R. W. FURNAS.

Mr. Reeves asked leave to make a report sometime during the day upon the petition of George A. Graves.

Granted.

The Committee on Printing to which was referred

C. B. No. 11, "A bill for an act regulating the rates of legal advertisements."

Have had the same under consideration and report it back with the recommendation that it pass. R. W. FURNAS, Chairman.

The Joint Committee appointed by the Council and House of Representatives to which was referred so much of the Governor's Message as relates to the formation of a "constitutional and state government for the state of Nebraska," and to which also was referred

C. B. No. 5, "An act to frame a constitution and state government for the state of Nebraska," and

Also,

H. F. No. 3, "An act to frame a constitution and state government for the state of Nebraska."

Have had the same under consideration, and have instructed me to report to the Council. That in the opinion of the committee a large majority of the people of Nebraska Territory are in favor of the organization of a state government at as early a period as is practicable. An evidence of this desire on the part of the people is to be found in the fact that both political parties at their recent conventions have committed themselves in favor of the measure. Another indication of the wishes of the people is to be found in the tone of the public press of the Territory, which is almost unanimous in favor of an early state organization.

It may be objected that the organization of a state government at this time will materially increase the burthens of taxation and oppress the people.

While it may be conceded that it will temporarilly augment the public debt, still it is confidently believed that the advantages resulting from a state organization would in a very short time doubly compensate for all the expenses incurred. Capital instinctively shuns a temporary provisional government the policy of which may be changed at any time by the breath of an excited popular will; and seeks investment under stable and constitutional governments. A large number of emigrants of the better class, also prefer the security afforded them by a permanent state government, and it is a reasonable conclusion that the formation of a state government, would be followed by an influx of population and capital, which in the item of revenue alone, would more than compensate for the expenses incurred by the change of government. Indeed, arguments are numerous which go to show that in a pecuniary or financial point of view, the formation of a state government would be attended with the most happy results.

It would enable the people to render the school lands available for the education of their children, and thus materially lessen their necessary expenses, and at the same time preserve those lands from wanton waste and destruction, to which they are now subject.

It has been the policy of the general government to grant to all new states, admitted into the Union, munificent grants of public lands for specific purposes, amongst which may be enumerated grants for a state university, grants for public buildings, grants for state prisons, grants of salt springs with the lands contiguous thereto, grants for the construction of rail roads, and it seems to be the settled policy of the government, to make to each new state a munificent donation of five hundred thousand acres of public land, for the construction of roads and bridges, or the creation of a permanent school fund, as may be directed by the legislature.

In addition to this the new states are entitled to receive five per cent of the net proceeds of the sales of the public lands, lying within their boundaries, for the purpose of internal improvements. We may reasonably expect that the general government, with its characteristic liberality will place Nebraska on an equality with the most favored of her sister states.

The presumption is fair then, that with all those additional resources and the advantages resulting from a constitutional government, the burthens of taxation instead of being increased, may and eventally will be materially lessened.

Another argument in favor of the early organization of a state government, is to be found, in the fact, that the best lands in the territory, are rapidly passing out the hands of the general government into the hands of private citizens and speculators, and that any grants which may *now* be made to the state, would be truly and intrinsically valuable, while if they are deferred a few years, they will be comparatively worthless. Politically it is all important that Nebraska should be represented in the Congress of the United States. Questions will arise in which we have a deep and abiding interest.

We need representatives in the Congress of the Nation who have a voice and an influence in shaping the laws by which we are to be governed, we need their votes and influence to secure us appropriations for much needed improvements. Kansas has formed a constitution and is asking admittance into the Union, and will probably be admitted during the present session. She will be entitled to two senators and one representative in Congress.

If Nebraska should be admitted she would be entitled to the same representation. The question of the location of the Pacific rail road, which since the discovery of the untold millions of gold on our western border, all concede *must and will be* built, may be decided in our favor by the votes of our own representatives, if we are, as we should be admitted into the Union at the same time with Kansas. Believing that the people of Nebraska has a right to form a constitution, and ask for admission into the Union upon an equal footing with the original states, guaranteed to them by the treaty for the purchase of Louisiana, which stipulates and provide that "The inhabitants of the ceded 'territory' shall be incorporated in the union of the United States, and admitted as soon as possible," your committee recommend the passage of the accompanying bill, which is simple in its details and economical in its practical application, entitled "A bill for an act to frame a state government for the state of Nebraska," as a substitute for the original bill. MILLS S. REEVES, Chairman.

Laid over under the rules.

The undersigned, one of the select committee to which was referred C. B. No 2, "A bill to prohibit slavery or involuntary servitude in the territory of Nebraska,"

Begs leave to report, that concurring in the main in the views expressed in the report submitted and signed by Mr. Miller, and having no desire to follow the argument of the chairman of the committee in his report, the undersigned wishes to consider this subject in a practical light, and to govern his actions accordingly. As a practical question then, such a one as should alone invoke legislative action, the undersigned can not admit that slavery has any existence in the territory of Nebraska. There may, it is true, be three or four negroes who have accompanied their masters from slave states, and who so appreciated the advantages of their situation, that they have not chosen to try the experiment of changing it. But these are the rare exceptions which can be found by reference to the census rolls, to have existed also in many of the New England and other northern states, up to a very recent date. These fail to establish the fact that slavery exists in the state or territory, but simply indicate that a family servant, drawn probably by domestic attachment, has now and then straggled off to this land of freedom with the master in whose service he has grown gray, and that the *apparent* relation remains the same as in the state from which he came. To agree that because a single instance may be found of a returning emigrant from Utah, who has pitched his tent in some remote part of the territory, is cohabiting with two women claiming them as wives, that, therefore polygamy exists as an institution of the territory, would be quite as conclusive and sensible as the attempt made by the chairman of committee, to fasten upon our fair territory the stigma of slavery, by the very slender data upon his conclusion is based. The very full and complete consent of the negroes in the Territory, embodied in his report, even to the minute detail of age and sex, indicates the very rare instances existing to justify the unjust aspersion upon our Territory, and the indefatigable perseverance and industrious assiduity of the chairman in pursuit of such knowledge.

But if slavery does legally exist in this Territory, as the bill reported by the chairman would advertise to the world that it does, is it proposed to confiscate the property of such as are interested in that description of property, by an unconditional abolition of the tenure by which it is held? And if it does not legally exist, what is the necessity of legislating for its abolition? The evil must be corrected by the judicial, and not the legislative branch of the government.

Therefore, believing that slavery has no existence in Nebraska, that the passage of the bill under consideration would fasten a prejudicial and highly injurious stigma upon our territory, that the history of the country has shown that the agitation of this question in the abstract has been fraught with evil, and only evil continually, and that its discussion redounds to the advantage of demagogues only, and realizing the necessity of an honest application of the short time to which we are limited for the *practical* legislation demanded by the people, who invested us with this high trust, the undersigned would recommend that this whole subject be referred to the convention to frame a state government, which it is expected will meet within a few weeks, and which it is conceded by parties of all shades of color, possesses ample and sovereign power over the whole question.

Before closing his report, the undersigned deems it due to his own position, to state that if the chairman of the committee, taking issue with the party he represents in its platform of principles adopted at Philadelphia in 1856, and reaffirmed by most, if not all the state conventions of that party held since that time, wishes by his bill and report merely to assert the power of the territorial legislation over the subject of slavery in the territories, the undersigned can have no controversy with him on the *principle* involved in the bill, but deprecates its introduction and discussion now and in this body, as ill-timed, useless and mischievous. All of which is respectfully submitted.

George W. Doane.

Laid over under the rule.

The select committee to which was referred that portion of the Governor's message "to encourage the growth of timber in Nebraska," have had the same under consideration, and report for the consideration of the Council,

C. B. No. 17, "A bill for an act to encourage the growth of timber in Nebraska."

R. W. Furnas,
G. L. Miller,
E. S. Dundy.

On motion,

The bill was read first time.

Mr. Dundy moved that a committee of two be appointed on the part of the Council, to confer with the House Committee on the subject of Joint Rules.

Carried.

Messrs Dundy and Little were appointed said committee.

The following notices of bills were given:

By Mr. Dundy,

Of a bill to repeal the charter of the Bank of Nebraska.

By Mr. Scott,

Of a bill to organize and define the boundaries of Morton county, and locate the county seat thereof.

Also,

Of a bill to incorporate the Platte city bridge company.

Also,

Of a bill to incorporate the South Pass bridge company.

Mr. Miller introduced

C. B. No. 18, "An act to incorporate the Pappillon mill company."

Read first and second time,

And referred to the Committee on Corporations.

Also,

C. B. No. 19, "A bill for an act supplementary to the provisions of the Criminal Code relative to the custody of convicts, and for other purposes."

Read first and second time,

On motion,

Referred to the Committee on Judiciary.

Mr. Furnas introduced

C. B. No. 20, "A bill for an act requiring the publication of laws in newspapers."

Read first and second time.

On motion,

Referred to the Committee on Printing.

Mr. Collier gave notice of a bill to dissolve the bonds of matrimony between James Clark and Welthy Jane Clark.

Mr. Porter introduced

C. B. No. 21, "An act for a homestead exemption."

Read first and second time.

On motion,

Referred to the Committee on Judiciary.

H. F. No. 2, "An act authorizing the treasurer of Johnson county, to collect the taxes of said county."

Read first and second time.

On motion,

Referred to the Committee on Finance, Ways and Means.

H. F. No. 21, "An act to legalize the first organization of Gage county, and the location of the county seat at Beatrice, and the official acts of the officers of said county."

Read first and second time.

On motion,

Referred to the Committee on Counties.

H. F. No. 11, "A bill for an act to legalize the acts of William Pilgrim, late register of deeds of Dakota county."

Read first and second time.

On motion,

Referred to the Committee on Judiciary.

H. F. No. 25, "A bill to erect a mill dam across the North Fork of the Grand Nemaha river in Johnson county."

Read first and second time,

And referred to the Committee on Corporations.

The following joint resolution from the House was adopted:

Be it resolved by the Council and House of Representatives of the Territory of Nebraska, That one thousand copies of the Governor's message be printed in the German language and that each House be entitled to 500 copies of the same for distribution.

C. B. No. 13, "A bill for an act to amend the charter of Nebraska city."

Read second time,

And referred to the Committee on Corporations.

C. B. No. 15, "A bill to incorporate the town of Table Rock seminary."

Read second time,

And referred to the Committee on Education.

C. B. No. 16, "An act to incorporate the town of Table Rock."

Read second time,

And referred to the Committee on Corporations.

C. B. No. 14, "A bill for an act to regulate elections."

Read second time,

And referred to the Committee on Elections.

On motion of Mr. Miller,

50 copies of the bill were ordered to be printed.

C. B. No. 3, "A bill for an act to regulate interest on money."

On motion,

Referred to the Committee on Finance, Ways, and Means.

C. B. No. 11, "A bill for an act regulating the rates of legal advertisements."

On motion,

Recommitted to the Committee on Judiciary.

C. B. No. 1, "A bill for an act to provide for the execution of sentences upon convicts and their transportation to the penitentiary of a state."

Read third time.

Mr. Furnas moved to recommit to the Committee on Judiciary.

Lost.

Question recurring upon its passage,

The ayes and nays were demanded.

Ayes—Messrs. Boykin, Collier, Doane, Dundy, Miller, Porter, Reeves, Scott and Taylor.—9.

Nays—Messrs. Furnas and Little.—2.

Passed.

On motion,

Tittle agreed to.

The resolution relative to the daily printing of the journals of Council, was taken from the table.

Mr. Dundy moved its reference to Committee on Printing.

Lost.

Mr. Furnas moved to amend by adding the words "provided the bill be paid out of the funds appropriated by the general government."

Pending which,

Mr. Doane moved the reference of the resolution to the Committee on Education, with instruction to inquire at what cost a contract can be made for the daily publication of the journals, and furnishing 100 copies to the Council and 300 copies to the House, and also where the burden of payment will fall.

Pending which,

Call of the Council demanded,

Mr. Taylor absent.

On motion,

All further proceedings under the call dispensed with.

Question recurring upon the motion to refer with instructions.

Carried.

On leave,

The Committee on Finance, Ways and Means to which was referred the petition of George A. Graves, asking for additional compensation for services rendered as Engrossing and Enrolling Clerk, for the fourth session of the Legislature of Nebraska Territory, have had the same under consideration, and respectfully beg leave to report:

That they find the facts to be, that Mr. George A. Graves was elected Engrossing and Enrolling Clerk of the Council, on the 12th day of December, 1857, and that he by consent of the Council appointed an assistant some time during the session. A majority of the Legislature adjourned to Florence on the 9th day of January, 1858, after which there was no further necessity for the services of an engrossing and enrolling clerk, leaving twenty-eight days as the time during which the petitioner was in the service of the Council. The committee have not ascertained the length of time during which the assistant was employed.

It appears that the petitioner received the sum of one hundred and twenty dollars for the services of himself and assistant, and that he made application to the last session of the Council for additional compensation which was refused; such being the history of the case the committee respectfully beg leave to report the petition back to the Council without recommendation.

Mills S. Reeves, Chairman.
E. S. Dundy,
Geo. W. Doane.

On motion

The message from the House was taken from the table and considered.

On motion of Mr. Doane,

Messrs. Scott and Porter were appointed a committee to confer with the House committee; and superintend the printing of the Governor's message in the German language.

C. B. No. 2, "A bill for an act to abolish and prohibit slavery or involuntary servitude," together with the reports on said bill, were taken from the table.

Mr. Doane moved that the bill and reports be referred to the Committee of the Whole House, and that they be made the special order of the day at 2 o'clock on the 27th day of December, 1859.

Carried.

C. B. No. 4, "A bill to extend the time for paying taxes in Douglas county,"

Together with the petition of the citizens of Douglas county, and the report of the committee thereon were taken from the table.

On motion,

Report adopted.

On motion of Mr. Miller,

The bill was ordered engrossed and read a third time to-morrow.

On motion of Mr. Boykin,

The Council adjourned.

S. M. CURRAN, Chief Clerk.

COUNCIL CHAMBER,
Wednesday, Dec, 14th, 1859.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Message from the House.

HOUSE OF REPRESENTATIVES,
Wednesday, Dec. 14th, 1859.

Mr. President:

I am instructed to inform your honorable body that the House has passed

H. F. No. 12, "An act to redefine the southern boundaries of Platte and Dodge counties."

Also,

H. F. No. 24, "An act to legalize the collection of taxes in the county of Dakota for the year 1859."

And to respectfully request the concurrence of your honorable body herein.

J. W. MOORE, Chief Clerk.

The Committee on Judiciary to which was referred

H. F. No. 11, "A bill for an act to legalize the act of William Pilgrim, late register of deeds of Dakota county."

Have had the same under consideration and report it back with a recommendation that it pass.

The same committee have also considered

C. B. No. 19, "A bill for an act supplementary to the provisions of the Criminal Code, relative to custody of convicts and for other purposes,"

And report the same back with the following amendment:

In the 5th line of section 2, insert after the word "Territory" the following: "According to the rate which may be established by law at the time when the services may be rendered or expenses incurred. Provided the rate so established shall not be construed to apply to any contract which the Governor may make for the confinement of convicts in the penitentiary of a state."

Amended further by striking out the word "and" in the 5th line and constituting the balance of sec. 2, after the word "Territory" in the 5th line an independent section numbered section 3, and by striking out the word "therefore" in the 6th line of the same section, and insert in lieu thereof the words "for the costs provided for in the last section."

Amended further by renumbering sections 3, 4, 5 and 6 respectively as sections 4, 5, 6 and 7.

The same committee have also had under consideration

C. B. No. 11, "A bill for an act regulating legal advertisements."

And report the same back with the following amendments:

In sec. 1, line 7, strike out the word "or" and insert "and in the same proportion for any." In the same section, line 11, strike out the word "and," and in line 12, strike out the words "one dollar and fifty," and insert "sixty," and in lines 13 and 14, strike out "seventy-five," and insert "thirty." In line 15, after the word "insertion," add "and no more."

Geo. W. Doane,
W. A. Little.

Laid over under the rules.

The Committee on Finance, Ways and Means, to which was referred

H. F. No. 2, "An act authorizing the treasurer of Johnson county, to collect the taxes of said county."

Have had the same under consideration and respectfully recommend its passage with the following amendment:

In sec. 1, in 3d line from the end of the section, strike out the word "let," and insert the word "be."

Report adopted. Mills S. Reeves, Chairman.

The committee to which was referred

H. F. No. 21, entitled "An act to legalize the first organization of Gage county, and the location of the county seat at Beatrice."

Have had the same under consideration and recommend its passage without amendment.

John R. Porter,
Geo. E. Scott,
Thos. T. Collier.

Report adopted.

The Committee on Highways, Bridges and Ferries, to which was referred

C. B. No. 8, "A bill for an act to incorporate the Platte river bridge and ferry company."

Have had the same under consideration, and recommend its passage without amendment.

E. S. Dundy,
T. J. Boykin,
Geo. E. Scott.

Report adopted.

The Committee on Engrossed and Enrolled Bills respectfully beg leave to report, that

C. B. No. 4, "A bill for an act to amend an act entitled 'An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska.'"

As correctly engrossed. Mills S. Reeves.

The select committee of two appointed on the part of the Council to act with the committee on the part of the House, on the translation of the Governor's message in the German language, beg leave to report that the translation is now perfected, and arrangements will be made forthwith to have it printed at St. Joseph, Mo., there not being sufficient German type in the Territory to accomplish that object.

Geo. E. Scott,
Jno. R. Porter.

The following notices of bills were given:

By Mr. Doane,

Of a bill for an act to provide for the payment of the interest on the public debts, and the redemption of territorial warrants.

By Mr. Dundy,

Of a bill providing for the publication of the decisions of the supreme court of Nebraska territory.

Also,

Of a bill to abolish the office of superintendent of public instruction.

Also,

A bill to regulate practice in justices' courts.

By Mr. Furnas,

Of a bill to dissolve the bonds of matrimony between R. E. Case and Mary Case.

By Mr. Scott,

Of a bill to incorporate the "Emigrants aid association of the Territory of Nebraska."

Also,

A bill to incorporate the South Pass bridge company.

By Mr. Reeves,

Of a bill to provide for the redemption of real estate sold under execution.

By Mr. Boykin,

Of a bill to define the boundaries of Kearney county, and locate the county seat.

Mr. Furnas introduced

C. B. No. 22, "A bill for an act to amend an act entitled 'An act for the better regulation of schools in Nebraska.'"

Read first and second time.

On motion,

Referred to the Committee on Education.

Mr. Boykin introduced

C. B. No. 23, "A bill for an act to better define the geographical limits of the city of Bellevue, in the county of Sarpy, and for other purposes."

Read first time.

On motion of Mr. Porter,

Rules suspended,

And the bill read second and third time.

On motion,

Bill passed and title agreed to.

Mr. Collier introduced

C. B. No. 24, "An act to dissolve the bonds of matrimony between James Clark and Welthy Jane Clark."

Read first and second time.

On motion,

Referred to a select committee of three.

Messrs. Collier, Dundy and Furnas were appointed said committee.

Mr. Scott introduced

C. B. No. 25, "An act to incorporate the Platte city bridge company."

Read first and second time.

On motion,

Referred to the Committee on Highways, Bridges and Ferries.

Mr. Scott introduced

C. B. No. 26, "An act to establish a territorial road from De Soto in Washington county to Fontenelle in Dodge county."

Read first and second time.

On motion,

Referred to the Committee on Highways, Bridges and Ferries.

On leave,

The Committee on Corporations to which was referred

H. F. No. 25, "A bill to erect a mill-dam across the North Fork of the Grand Nemaha river in Johnson county, N. T."

Also,

C. B. No. 13, "A bill for an act to amend the charter of Nebraska City."

And recommend the following amendment to C. B. No. 13.

After sec. 7, add the following words "the City Council shall receive the scrip or warrants issued by the corporations of Nebraska city, Kearney city and South Nebraska city, for the improvement of the levee, prior to the consolidation act, to which this is amendatory, and said scribe or warrants are hereby made a legal tender for taxes due said city, for any purpose whatever," and recommend its passage as amended.

Your committee also report

C. B. No. 16, "An act to incorporate the town of Table Rock."

Also,

C. B. No. 18 "An act to incorporate the Pappillon mill company," and recomend their passage without amendment.

GEORGE E. SCOTT, Chairman.

Laid over under the rules.

H. F. No 24, "An act to legalize the collection of taxes in Dakota county for the year 1859."

Read first and second time.

On motion,

Referred to Committee on Judiciary.

H. F. No. 12, "An act to define the southern boundaries of Platte and Dodge counties."

Read first and second time.

On motion,—

Referred to the Committee on Counties.

C. B. No. 17, "A bill for an act to encourage the growth of timber in Nebraska."

Read second time,

And referred to the Committee on Agriculture.

H. F. No. 21, "An act to legalize the first organization of Gage county, and the location of the county seat at Beatrice, and the official acts of the officers of said county."

Read a third time.

On motion,

The bill passed and title agreed to.

H. F. No. 2, "An act authorizing the treasurer of Johnson county to collect the taxes of said county."

Read third time.

On motion,

The bill passed and title agreed to.

C. B. No. 4, "A bill for an act to amend an act entitled 'An act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska.'"

Read third time.

On motion,

The bill passed and title agreed to.

C. B. No. 8, "for an act to incorporate the Platte river bridge and ferry company."

Read third time.

On motion,

The bill passed and title agreed to.

C. B. No. 5, "An act relative to state organization,"

Together with the report thereto was taken from the desk.

On motion of Mr. Miller,

The Council resolved itself into a Committee of the Whole to take the bill and report into consideration.

Mr. Miller in the chair.

After remaining sometime therein the committee rose, and through their chairman reported progress and asked leave to sit again.

Report adopted.

On leave,

Mr. Little gave notice

Of a bill to appropriate the sum of $3527 to R. Wood & Co., on account of horses furnished and services rendered in connection with the late expedition against the Pawnee Indians.

On motion,

The Council adjourned.

S. M. CURRAN, Chief Clerk.

COUNCIL CHAMBER,
Thursday, Dec. 15th, 1859.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Message from the House:

HOUSE OF REPRESENTATIVES,
Thursday, Dec. 15th, 1859.

Mr. President:

I herewith return to your honorable body,

C. B. No. 23, "An act to better define the geographical limits of the city of Bellevue in Sarpy county in this Territory, and for other purposes."

The same having passed the House without amendment.

J. W. MOORE, Chief Clerk.

The Committee on Judiciary to which was referred

H. F. No. 24, "A bill for an act to legalize the collection of taxes in Dakota county for the year 1859."

Has had the same under consideration and report the same back with a recommendation that it do pass.

GEO. W. DOANE.
W. A. LITTLE.

The Committee on Education to whom was referred

C. B. No. 22, "A bill for an act to amend an act entitled 'An act for the better regulation of schools in Nebraska.'"

Beg leave to report the same back with the following amendment:

Add after section 3, an additional section "4" "Nothing in this act shall be so construed as to conflict with the provisions of the act to which this is amendatory, relative to cities and incorporated villages."

Also,

"A bill to incorporate the Table Rock seminary," with the following amendments:

In the 3d section after words "penal sum" insert the words "of one thousand dollars."

Also,

In section 9, after the word "corporation" insert the words "to the amount of eighty acres of land including the college buildings that may be erected thereon.

And recommend their passage as amended.

George L. Miller, Chairman.

Report adopted.

On motion,

The bill was ordered engrossed and read third time to-morrow.

The Committee on Agriculture to which was referred

C. B. No. 17, "An act to encourage the growth of timber in the Territory of Nebraska."

Has had the same under consideration and beg leave to report the same back without amendment and recommend its passage.

T. J. Boykin,
M. S. Reeves,
Jno. R. Porter.

Report adopted.

On motion,

The bill ordered engrossed and read third time to-morrow.

The Committee on Counties to which was referred

H. F. No. 12, "An act to define the southern boundaries of Platte and Dodge counties."

Have had the same under consideration and beg leave to report the bill back and recommend its passage without amendment.

Jno. R. Porter,
Geo. E. Scott,
Thos. T. Collier.

Report adopted.

The select committee to which was referred

C. B. No. 24, "An act to dissolve the bonds of matrimony between James Clark and Welthy Jane Clark."

Have had the same under consideration and recommend its passage without amendment.

Thos. T. Collier,
R. W. Furnas,
E. S. Dundy.

Laid over under the rules.

Mr. Reeves introduced

C. B. No. 27, "A joint resolution for the relief of Justin Davis."

Read first and second time.

On motion,

Referred to the Committee on Expenditures.

Mr. Doane introduced

C. B. No. 28, "A bill for an act to provide for the payment of the interest on the public debt, and the redemption of territorial warrants."

Read first and second time.

On motion,

Referred to the Committee on Finance, Ways and Means.

The following notices of bills were given:

By Mr. Dundy,

Of a bill to restrain sheep and swine from running at large in Pawnee county.

By Mr. Scott,

Of a bill to organize and define the boundaries of Wilson county, in Nebraska Territory, and locate the county seat thereof.

By Mr. Boykin,

Of a bill to relocate the penitentiary of the Territory, and also a memorial asking Congress to make an appropriation for its early erection.

Mr. Scott introduced

C. B. No. 29, "An act to incorporate the South Pass bridge company."

Read first and second time.

On motion,

Referred to the Committee on Highways, Bridges and Ferries.

Mr. Scott introduced

C. B. No. 30, "An act to organize and define the boundaries of Morton county in Nebraska Territory, and locate the county seat thereof."

Read first and second time,

On motion,

Referred to the Committee on Counties.

Mr. Little introduced

C. B. No. 31, "An act to appropriate the sum of $3527 to R. Wood & Co., on account of the late Pawnee expedition."

Read first time.

H. F. No. 12, "An act to redefine the southern boundaries of Platte and Dodge counties."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 24, "An act to legalize the collection of taxes in Dakota county, for the year 1859."

Read third time.

On motion,

Passed, and title agreed to.

On motion,

The report of the Committee of Judiciary together with

H. F. No. 11, "An act to legalize the acts of William Pilgrim, late register of deeds of Dakota county."

Also,

C. B. No. 19, "A bill for an act supplementary to the provisions of the Criminal Code, relative to the custody of convicts, and for other purposes."

Also,

C. B. No. 11, "A bill for an act regulating the rates of legal advertisements."

Were taken from the table.

On motion,

The report was adopted in relation to C. B. No. 19, and H. F. No. 11, and the bills ordered engrossed for a third reading to-morrow.

The question recurring upon the adoption of the report in relation to C. B. No. 11, it was

On motion of Mr. Furnas,

Recommitted to the Committee on the Judiciary.

The report of the Committee on Corporations, in relation to

H. F. No. 25, "A bill to erect a mill dam across the North Fork of the grand Nemaha river, in Johnson county."

Also,

C. B. No. 13, "A bill for an act to amend the charter of Nebraska city."

Also,

C. B. No. 16, "An act to incorporate the town of Table Rock."

Also,

C. B. No. 18, "An act to incorporate the Pappillon mill company."

Was taken from the table.

On motion,

The bills and report were laid upon the table for the present.

On motion of Mr. Reeves,

The Council resolved itself into a Committee of the Whole to further consider the bill for a state organization and the report thereon.

Mr. Miller in the chair.

After remaining sometime therein the committee arose and reported the following amendments:

In section 5, fill the blank by inserting "Omaha city."

In section 8, strike out the words "and of the county and precinct or election district where he offers his vote," also in same section, strike out the words "six months," and insert the words "forty days."

Also,

Add to section 13, the words "except that the county clerks of the several counties shall appoint the judges of election."

And recommend the passage of the bill as amended.

On motion,

The report was adopted as amended, and the bill ordered engrossed and read third time to-morrow.

The report of the Committee on Corporations in relation to H. F. No. 25, and C. B. No. 13, and C. B. No. 16, and C. B. No. 18, was again taken from the table.

On motion,

The report in relation to

H. F. No. 25, "A bill to erect a mill dam across the North Fork of Grand Nemaha river, in Johnson county."

Was adopted.

And the bill ordered to be read third time to-morrow.

Report adopted in relation to

C. B. No. 18, "An act to incorporate the Pappillon mill company."

Also,

C. B. No. 16, "An act to incorporate the town of Table Rock," and the

Bills ordered to be read a third time to-morrow.

Question recurring upon the adoption of the report in relation to

C. B. No. 13, "A bill for an act to amend the charter of Nebraska city."

It was lost.

Call of the Council demanded.

Mr. Dundy absent.

Sergeant-at-Arms despatched after absentee.

On motion,

All further proceedings under the call dispensed with.

Mr. Taylor moved to recommit the bill to the Committee on Corporations.

Lost.

On motion,

The bill was read third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Boykin, Collier, Doane, Dundy, Furnas, Little, Miller, Porter, Reeves, Scott.—10.

Nays—Mr. Taylor.—1.

Bill passed.

On motion,

The title was agreed to.

On motion of Mr. Taylor,

The Council adjourned.

S. M. Curran, Chief Clerk.

Council Chamber,
Friday, Dec. 16th, 1859.

6

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Message from the House:

House of Representatives,
Friday, Dec. 16th, 1859.

Mr. President:

I am instructed to inform your honorable body that the House has passed a

"Joint resolution praying for an appropriation to complete the Capitol of the Territory," and

H. F. No. 40, "Joint resolution and memorial relative to the Pawnee Indians."

Also,

"Joint resolution and memorial relative to school lands in Richardson county,"

And the concurrence of the Council is respectfully requested.

I have also to inform your honorable body that the House has concurred in the Council amendments to H. F. No. 2.

J. W. Moore, Chief Clerk.

Mr. Miller moved that the Clerk be instructed to obtain possession of, and return to the Council,

H. F. No. 12, "An act to redefine the boundaries of Platte and Dodge counties."

The same having passed the Council and having transmitted to the House.

Carried.

The bill being again in the possession of the Council.

Mr. Miller moved to reconsider the vote by which the bill was passed.

Carried.

On motion of Mr. Miller,

The bill was recommitted to the Committee on Counties.

The Committee on Engrossed and Enrolled Bills to which was referred

C. B. No. 15, "A bill for an act to incorporate Table Rock seminary."

C. B. No. 16, "A bill for an act to incorporate the town of Table Rock."

C. B. No. 17, "A bill for an act to encourage the growth of timber in Nebraska."

C. B. No. 18, "A bill for an act to incorporate the Pappillon mill company."

C. B. No. 22, "A bill for an act to amend an act entitled an act for the better regulation of schools in Nebraska."

Report the same as correctly engrossed. R. W. Furnas.

The Committee on Counties to which was referred

C. B. No. 30, "An act to organize and define the boundaries of Morton county, in Nebraska Territory, and locate the county seat thereof,"

Have had the same under consideration, and report it back without amendment and recommend its passage.

Jno. R. Porter,
Geo. E. Scott,
Thos. T. Collier.

Report adopted.

The Committee on Engrossed and Enrolled Bills respectfully ask leave to report that

C. B. No. 5, "A bill for an act to frame a state government for the state of Nebraska," and

C. B. No. 19, "A bill for an act supplementary to the provisions of the Criminal Code relative to the custody of convicts, and for other purposes," are correctly engrossed, and that

C. B. No. 23, "An act to better define the geographical limits of the city of Bellevue, in Sarpy county, in this Territory, and for other purposes," is correctly enrolled. **Mills S. Reeves**, Chairman.

The Committee on Finance, Ways, and Means to which was referred

C. B. No. 10, "A bill for an act to refund to Otoe county, the amount of taxes collected and paid by the county treasurer of said county to the territorial treasurer in A. D. and for other purposes,"

Have had the same under consideration, and respectfully beg leave to report the accompanying bill as a substitute for the bill under consideration, being a general provision for the whole Territory, and recommend its passage. All of which is respectfully submitted,

Mills S. Reeves, Chairman.

Laid over under the rules.

Mr. Scott introduced

C. B. No. 32, "An act to organize and define the boundaries of Wilson county, in Nebraska Territory, and locate the county seat thereof."

Read first and second time,

On motion,

Referred to the Committee on Counties.

C. B. 31, "A bill for an act to appropriate the sum of $3527 to R. Wood & Co., on account of the late Pawnee expedition."

Read second time.

On motion,

Referred to the Committee on Military Affairs.

C. B. No. 18, "A bill for an act to incorporate the Pappillon mill company."

Read third time.

On motion,

Passed and title agreed to.

C. B. No. 17, "A bill for an act to encourage the growth of timber in Nebraska."

Read third time.

On motion,

Passed and title agreed to.

C. B. No. 22, "A bill for an act to amend an act entitled 'An act for the better regulation of schools in Nebraska, approved November 4th, 1858.'"

Read third time.

On motion,

Passed and title agreed to.

C. B. No. 16, "An act to incorporate the town of Table Rock."

Read third time.

On motion,

Passed and title agreed to.

C. B. No. 30, "A bill for an act to organize and define the boundaries of Morton county, and locate the county thereof."

Read third time.

Mr. Taylor moved to recommit the bill to the Committee on Counties. Lost.

The ayes and nays were demanded upon its passage.

Ayes—Messrs. Boykin, Collier, Doane, Little, Miller, Porter, Scott.—7.

Nays—Messrs. Dundy, Furnas, Reeves, Taylor.—4.

Bill passed.

On motion,

Title agreed to.

On leave,

The Committee on Finance, Ways and Means, to which was referred C. B. No. 3, "A bill for an act to regulate the interest of money."

Have had the same under consideration and respectfully recommend its passage with the following amendments:

In section 2, strike out the word "five," and insert "ten," strike out section 5; strike out section 6, and insert the following:

"In all actions founded upon any bond, bill, note, assurance, conveyance or other contract or security, or upon any deposit of goods or other things whatsoever, whereupon or whereby there shall he reserved or taken, or secured or agreed to be reserved or taken any greater sum or value for the loan or forbearance of any money, goods or other things in action than is prescribed in the first and second sections of this act; the plaintiff shall be entitled to recover the principal and fifteen per cent per annum interest, but the interest and fifteen per cent of the principal shall be forfeited, and when collected shall be paid over to the county treasurer of the proper county for the support of the common schools, Provided that the provisions of this act shall not affect any such paper as has been made and transferred previous to its passage."

In section 7, strike out the word "title" and insert "act."

In section 8 strike out the words "penalty or punishment."

In section 9, last line strike out "chapter" and insert "act."

In section 14, last line strike out the words "by said title or," strike out sections 15, 16 and 17. MILLS S. REEVES, Chairman.

The minority of the Committee on Finance, Ways and Means to which was referred

C. B. No. 3, "An act to regulate the interest on money."

Beg leave to report a substitute for the same. GEO. W. DOANE.

On motion,

Report and bills laid over one day.

H. F. No. 25, "A bill to erect a mill dam across the North Fork of the Grand Nemaha river in Johnson county."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 11, "A bill for an act to legalize the acts of William Pilgrim, late register of deeds of Dakota county."

Read third time.

On motion,

Passed and title agreed to.

C. B. No. 19, "A bill for an act supplementary to the provisions of the Criminal Code relative to the custody of convicts and for other purposes."

Read third time.

On motion,

Passed and title agreed.

C. B. No. 15. "A bill for an act to incorporate the Table Rock seminary."

Read third time.

On motion,

Passed and title agreed to.

On motion of Mr. Miller,

Mr. Scott was granted leave of absence until next Tuesday.

On leave,

Mr. Dundy introduced

C. B. No. 33, "An act to abolish the office of superintendent of public instruction,"

Read first time.

On leave,

Mr. Boykin introduced

C. B. No. 34, "A bill for an act to define the boundaries and locate the seat of justice of Shorter county."

Read first and second time.

On motion,

Referred to the Committee on Counties.

On leave,

Mr. Dundy introduced

C. B. No. 35, "An act to provide for the payment of territorial warrants,"

Read first and second time.

On motion,

Referred to the Committee on Finance, Ways and Means.

C. B. No. 5, "A bill for an act to frame a state government for the state of Nebraska."

Read third time.

Ayes and nays demanded npon its passage:

Ayes—Messrs. Boykin, Collier, Doane, Furnas, Little, Miller, Porter, Reeves.—8.

Nays—Messrs. Dundy and Taylor.—2.

Bill passed.

On motion,

Title agreed to.

On leave,

Mr. Porter made the following report:

The Committee on Counties to which was recommited

H. F. No. 12, "An act to redefine the boundaries of Platte and Dodge counties,"

Beg leave to report the same back with the following amendment, after the word "river," insert the words "west of the guide meridian," and recommend the concurrence of the Council therein.

JOHN R. PORTER,
GEO. E. SCOTT,
THOS. T. COLLIER.

Report adopted.

C. B. No. 24, "A bill for an act to dissolve the bonds of matrimony between James Clark and Welthy Jane Clark,"

Together with the report thereon,

Was taken from the table.

On motion of Mr. Collier,

The bill and report were laid on the table until Tuesday next.

On motion of Mr. Miller,

The Council adjourned.

S. M. CURRAN, Chief Clerk.

COUNCIL CHAMBER,
Saturday, Dec. 17th, 1859.

Council met pursuant to adjournment.

Mr. President absent.

Council called to order by the Clerk.

On motion of Mr. Collier,

Mr. Reeves of Otoe, was appointed President *pro tem.*

Prayer by the Chaplain.

Journal read and approved.

Message from the House:

HOUSE OF REPRESENTATIVES,
Saturday, Dec. 17th, 1859.

Mr. President:

I have to inform your honorable body, that the House has passed the following bills, and the concurrence of your honorable body is requested.

H. F. No. 43, "An act to locate a territorial road from Nebraska city, via Helena and Vesta in Johnson county, to Beatrice in Gage county."

H. F. No. 68, "An act to establish a territorial road in Pawnee and Richardson counties."

H. F. No. 10, "An act to locate a territorial road from Decatur to Columbus."

H. F. No. 64, "An act for a territorial road from Worrall's bridge in Nemaha county to Pawnee city."

I have the honor to inform you that C. B. No. 7, has passed the House without amendment, and is herewith returned to the Council.

J. W. Moore, Chief Clerk.

Mr. Furnas introduced

C. B. No. 36, "A bill for an act to dissolve the bonds of matrimony between R. E. Case and Mary Case.

Read first and second time.

Mr. Furnas moved to refer the bill to a select committee of three.

Mr. Miller moved its reference to the Committee on Judiciary.

Lost.

Question recurring upon the reference to a select committee.

Carried.

Messrs. Furnas, Collier and Little were appointed said committee.

H. F. No. 43, "An act to locate a territorial road from Nebraska city, via Helena and Vesta in Johnson County, to Beatrice in Gage county."

Read first and second time.

On motion,

Referred to the Committee on Highways, Bridges and Ferries.

H. F. No. 68, "A bill for an act to establish a territorial road in Pawnee and Richardson counties."

Read first and second time.

On motion,

Referred to the Committee on Highways, Bridges and Ferries.

H. F. No. 10, "A bill for an act to locate a territorial road from Decatur to Columbus."

Read first and second times.

And referred to the Committee on Highways, Bridges and Ferries.

H. F. No. 64, "A bill for a territorial road from Worrall's bridge in Nemaha county to Pawnee city."

Read first and second times.

On motion,

Referred to the Committee on Highways, Bridges and Ferries.

Memorial and joint resolution relative to school lands in Richardson county.

Read first and second time.

On motion of Mr. Dundy,

Rules suspended,

And read third time by its title.

Passed and title agreed to.

"A joint resolution and memorial relative to the Pawnee Indians."

Read first and second time.

On motion of Mr. Dundy,

Rules suspended,

Read third time by its title.

Passed and title agreed to.

"A joint resolution and memorial praying for an appropriation to complete the Capitol."

Read first time.

C. B. No. 33, "An act to abolish the office of superintendent of public instruction."

Read second time,

On motion,

Referred to the Committee on Education.

H. F. No. 12, "An act to redefine the southern boundaries of Platte and Dodge counties."

On motion of Mr. Taylor,

Recommitted to a select committee of three.

Messrs. Taylor, Boykin and Porter said committee.

C. B. No. 3, "A bill for an act to regulate the interest on money."

Together with the reports and substitute thereto was

On motion of Mr. Taylor,

Laid upon the table and made the special order for Monday next at ½ past 10 o'clock.

C. B. No. 10, "A bill for an act to refund to Otoe county, the amount of taxes collected and paid by the county treasurer of said county to the Territorial Treasurer in 1858."

Tegether with the report and substitute thereto was

On motion of Mr. Taylor,

Recommitted to a select committee of three.

Messrs. Taylor, Furnas and Little were appointed said committee.

The Committee on Elections to which was referred

C. B. No. 14, "A bill for an act to regulate elections."

Having had the same under consideration report the bill back with the following amendments and recommend its passage as amended.

In section 18, first line, strike out the word "eight" and insert "nine."

In section 28, second line, after the word "ability" and before the word "shall," insert the words "except by unavoidable accident or necessity."

R. W. Furnas,
Jno. R. Porter,
E. S. Dundy.

Mr. Doane moved that the whole subject matter be referred to a Committee of the Whole House on Wednesday next at eleven o'clock.

Carried.

Your committee to whom was referred

"The joint resolution for the relief of Justin Davis."

Having had the same under consideration beg leave to report, that Justin Davis was at the commencement of the fourth session of the general assembly of the Territory, duly elected page of the Council; that the said Davis faithfully served the Council in the capacity of page during said session, and that he has never received any compensation therefor.

Your committee therefore beg leave to report the same back without amendment, and recommend its passage.

All of which is respectfully submitted

W. A. LITTLE,
JNO. R. PORTER.

Report adopted.

On motion,

Resolution read third time.

Passed and title agreed to.

On motion of Mr. Furnas,

Mr. Donelan was granted leave of absence.

On motion of Mr. Furnas,

The Council adjourned.

S. M. CURRAN, Chief Clerk.

COUNCIL CHAMBER,
Monday, Dec. 19th, 1859.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Message from the House.

HOUSE OF REPRESENTATIVES,
Monday, Dec. 19th, 1859.

Mr. President:

I am instructed to inform your honorable body that the House has passed

"A joint resolution and memorial to Congress, praying for an appropriation of $80,000, to construct a bridge across the Loup Fork of the Platte river."

Also,

H. F. No. 28, "An act to repeal an act entitled 'An act to authorize John B. Boulware to keep a ferry on the Missouri river at Nebraska city in Pierce county.'"

And respectfully request the concurrence of your honorable body therein.

J. W. MOORE, Chief Clerk.

Mr. Reeves introduced

C. B. No. 37, "A bill for an act to provide for the redemption of real estate."

Read first and second time.

On motion,

Referred to the Committee on Judiciary.

H. F. No. 2 " Joint resolution and memorial to Congress praying for an appropriation to bridge the Loup Fork of Platte river,"

Read first and second time.

On motion,

Referred to the Committee on Highways, Bridges and Ferries.

Message from the House:

House of Representatives,
Monday, December 19, 1859.

Mr. President:

I am instructed to inform your honorable body that the House has passed

H. F. No. 4, " A bill to prohibit slavery or involuntary servitude within this Territory."

And respectfully request the concurrence of your honorable body therein. J. W. Moore, Chief Clerk.

H. F. No. 28, "An act to repeal an act entitled 'An act to authorize John B. Boulware to keep a ferry on the Missouri river at Nebraska city in Pierce county.'"

Read first and second time.

On motion,

Referred to the Committee on Highways, Bridges and Ferries.

Mr. Taylor introduced

C. B. No. 38, "A bill for an act to elect a public printer and for other purposes."

Read first time.

H. F. No. 4, "A bill for an act to prohibit slavery or involuntary servitude within this territory."

Read first time.

Joint resolution and memorial praying Congress for an appropriation to complete the Capitol.

Read second time,

On motion,

Referred to the Committee on Public Buildings.

On leave,

Mr. Taylor gave notice of a memorial and joint resolution praying Congress to change the Organic Act, so as to allow the people of the Territory to elect their Governor, Secretary and Judges.

Also,

Of a bill to change the name of Izard county to "Black."

Also,

Of a bill to change the name of Calhoun county to McConihe.

Also,

Of a bill to define Henry county.

Also,

Of a bill to change the name of L'eau-qui-Court county to Tuffts.

On motion,

The Council resolved itself into a Committee of the Whole to take into consideration

C. B. No. 3, "A bill for an act to regulate the interest on money" and the reports thereon.

Mr. Miller in the chair.

After remaining sometime therein the committee rose and reported progress and asked leave to sit again on Wednesday next.

Mr. Miller moved to amend the report by inserting "at 3 o'clock in the afternoon."

Carried.

Report adopted as amended.

On motion of Mr. Miller,

50 copies of the substitute were ordered to be printed.

Message from the Executive:

Executive Chamber,
Omaha, Dec. 19th, 1859.

Mr. President:

I am instructed by the Governor to inform your honorable body, that he has signed and approved

"An act to better define the geographical limits of the city of Bellevue in Sarpy county, in this Territory, and for other purposes."

John McConihe,
Private Secretary.

The Committee on Engrossed and Enrolled Bills respectfully ask leave to report, that

C. B. No. 7, "An act to resurvey a part of the territorial road leading from Rulo, Richardson county, to Blue Springs in Gage county."

Is correctly enrolled. — Mills S. Reeves, Chairman.

Mr. Taylor, chairman of the select committee to which was recommitted,

H. F. No. 12, "An act to redefine the southern boundaries of Platte and Dodge counties."

Reported the same back and recommended its passage.

Report adopted.

On motion,

The bill was read third time by its title..

Passed and title agreed to.

On motion of Mr. Furnas,

The petition of Geo. A. Graves was taken from the table, and recommitted to a select of three.

Messrs. Furnas, Boykin, and Collier were appointed said committee.

On motion of Mr. Miller,

The Council adjourned.

S. M. Curran, Chief Clerk.

COUNCIL CHAMBER,
Tuesday, Dec. 20th, 1859.

Council met pursuant to adjournment.

President in the chair.

Journal read and approved.

The Committee on Public Buildings to which was referred

"Joint resolution and memorial for an appropriation to complete the capitol."

Have had the same under consideration and beg leave to report it back, without amendment and recommend its passage.

T. J. BOYKIN,
GEO. W. DOANE.

Call of the Council demanded,

Mr. Little absent,

Sergeant-at-arms dispatched after absentee.

On motion,

All further call under the proceedings dispensed with.

The select committee to whom was referred the petition of George A. Graves relative to compensation as Engrossing and Enrolling Clerk for the fourth session of this body in 1857–8, have had the same under consideration, and find that said Graves, together with an assistant employed by him, by authority of the Council, served as Engrossing Clerks for the term of thirty-two days, the amount due them paying the usual sum of $3 per day would be $192. Mr. Graves has received but $120. Your committee deem it but just that the further sum of $72 be paid said clerks, and therefore report the accompanying joint resolution and recommend its passage.

R. W. FURNAS,
THOS. J. BOYKIN,
THOS. T. COLLIER.

Report adopted.

Message from the House:

HOUSE OF REPRESENTATIVES,
Tuesday, Dec. 20th, 1859.

Mr. President:

I am instructed to inform your honorable body that the House has passed the following bills, and the concurrence of the Council is respectfully solicited:

H. F. No. 80, "An act to legalize the election and qualification of the town officers of the town of Columbus in Platte county."

H. F. No. 58, "An act to organize the county of Kearney, to define its boundaries, and locate the county seat thereof."

I have the honor to return you

C. B. No. 13, "An act to amend the charter of Nebraska city,"

The same having passed the House without amendment.

J. W. MOORE, Chief Clerk.

Mr. Boykin introduced

C. B. No. 38, "Memorial and joint resolution to Congress praying for an appropriation to erect a penitentiary in Nebraska."

Read first and second time.

On motion,

Referred to the Committee on Public Buildings.

Mr. Reeves offered the following resolution which was

Adopted.

Resolved, that the Committee on Judiciary be instructed to inquire into the expediency of so amending the Criminal Code, as to give justices of the peace jurisdiction in cases of assault and battery.

Mr. Furnas introduced

C. B. No 39, "Joint resolution for the relief of George A. Graves."

Read first time.

H. F. No. 80, "An act to legalize the election and qualification of the town officers of the town of Columbus in Platte county."

Read first and second times.

On motion,

Referred to the Committee on Elections.

H. F. No. 58, "An act to organize the county of Kearney, to define its boundaries, and to locate the county seat thereof."

Read first and second times.

On motion,

Referred to the Committee on Counties.

On motion of Mr. Miller,

The committee were instructed to define the extent of the boundaries of Kearney county, and report to the Council.

Mr. Furnas introduced

C. B. No. 40, "A bill for an act to incorporate the Brownville hydraulic gas light and coke company."

Read first and second times.

On motion,

Referred to the Committee on Corporations.

Mr. Furnas introduced

C. B. No. 41, "A bill for an act to encourage agricultural pursuits in Nebraska."

Read first time.

Mr. Dundy, gave notice

Of a bill to provide for location of the county seat of Richardson county."

The committee to which was referred

H. F. No. 28, "An act to repeal an act entitled 'An act to authorize John B. Boulware to keep a ferry on the Missouri river, at Nebraska city, in Pierce county.'"

Have had the same under consideration, and report it back without amendment, and recommend its passage.

E. S. Dundy,
Geo. E. Scott,
Thos. J. Boykin.

Mr. Taylor moved that the whole subject matter be recommitted to a select committee of three.
Carried.

Messrs.—Taylor, Collier and Boykin were appointed.

C. B. No. 39, "A bill for an act to elect a public printer and for other purposes."
Read second time.
Mr. Scott moved the indefinite postponement of the bill.
Ayes and nays demanded.
Call of the Council demanded.

Mr. Boykin absent.

On motion,
All further proceedings under the call dispensed with.
Question recurring upon the motion to indefinitely postpone, ayes and nays were had, with the following result:

Ayes—Messrs. Boykin, Collier, Doane, Little, Miller, Porter, Reeves, Scott.—8.
Nays—Messrs. Cheever, Dundy, Furnas, Taylor.—4.

Carried.
H. F. No. 4, "A bill for an act to prohibit slavery or involuntary servitude in this Territory."
Read second time,
Call of the Council demanded.

Mr. Scott absent.

On motion,
Further proceedings under the call dispensed with.
Mr. Little moved the indefinite postponement of the bill.
Ayes and nays demanded.

Ayes—Messrs. Collier, Doane, Little, Miller, Reeves, Scott, Mr. President.—7.
Nays—Messrs. Boykin, Cheever, Dundy, Furnas, Porter, Taylor.—6.

Carried.
"Joint resolution and memorial praying for an appropriation to complete the Capitol."
Read third time.
Passed and title agreed to.
C. B. No. 24, "An act dissolve the bonds of matrimony between James Clark and Welthy Jane Clark."
Together with report thereto,
Was taken from the table.
Call of the Council demanded,

Messrs. Scott and Taylor absent,

On motion,

All further proceedings under the call dispensed with.

Mr. Doane moved to indefinitely postpone the bill.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Doane, Cheever, Little, Miller, Reeves.—6.

Nays—Messrs. Collier, Dundy, Furnas, Porter, Scott, Taylor, Mr. President.—7.

Lost

Mr. Collier moved the adoption of the report,

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Dundy, Furnas, Porter, Scott, Taylor.—7.

Nays—Messrs. Cheever, Doane, Little, Miller, Reeves.—5.

Report adopted.

On motion,

Bill ordered to be read a third time to-morrow.

Mr. Scott moved to reconsider the vote by which the bill for "An act entitled an act to authorize John B. Boulware, to keep a ferry across the Missouri river at Nebraska city," was referred to a select committee.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Little, Miller, Porter, Scott.—5.

Nays—Messrs. Collier, Cheever, Dundy, Furnas, Reeves, Taylor.—6.

Lost.

On leave,

Mr. Collier gave notice of a bill to allow the parties to suits to become competent witnesses therein.

On motion of Mr. Miller,

The committee to which was referred

H. F. No. 28, "A bill for an act entitled an act to authorize John B. Boulware to keep a ferry across the Missouri river at Nebraska city."

Was instructed to report to-morrow morning.

On leave,

Mr. Doane made the following report:

The Committee on Judiciary to which was referred

C. B. No. 37, "An act to provide for the redemption of real estate,"

Have had the same under consideration and beg leave to report,

That by the provisions of the Code adopted by the Legislature at the last session, an appraisement of all real estate levied upon by execution, and no sale can be made of such real estate for less than two-thirds of the appraised value.

This provision superseded the law then in force granting the right of redemption. It is believed by your committee that the present law secures the property of the judgment debtor from sacrifice more effectually than any system of redemption can do. This bill does not, however, propose to repeal the appraisement law. And if passed would surround the enforcement of a remedy of a judgment creditor with a double barrier, which has not been in any state or territory within the knowledge of your committee.

Your committee therefore report the bill back, and recommend its indefinite postponement. GEO. W. DOANE, Chairman.

Laid over under the rules.

On motion of Mr. Miller,

The Council adjourned.

S. M. CURRAN, Chief Clerk.

COUNCIL CHAMBER,
Wednesday, Dec. 21st, 1859.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Your select committee to which was referred

H. F. No. 28, "A bill to repeal John B. Boulware's ferry charter."

Have had the same under consideration and most respectfully report: 1st. As to the power of the Legislature to repeal a charter and thereby destroy vested rights. 2dly. To report the facts established by evidence, and the name of the witnesses examined by your committee.

At the first session of the Territorial Legislature there was a ferry charter granted to John B. Boulware, approved the 2d of March, A. D. 1855, by virtue of which the exclusive right to keep a ferry at Nebraska city, within certain limits therein prescribed, was given to Boulware for ten years from the date of the act. The charter provides what Boulware shall do to entitle him to the benefit of the act, and fixes the rate of ferriage across the Missouri river at the designated point. And the sixth section of the act requires Boulware to pay to the county treasurer the sum of thirty dollars annually for the benefit of common schools. The seventh section requires the said Boulware to give a bond with good security to the Territory of Nebraska, in the sum of one thousand dollars, conditioned for the faithful performance of the charter. And the tenth section of the act provides how Boulware may forfeit the privileges granted and is in these words; "That the franchises hereby conferred shall be subject to forfeiture, according to the principles of the common law, any thing to the contrary notwithstanding."

In pursuance of and by virtue of the privileges given by the act aforesaid, Boulware has gone to great expense in building houses and purchasing a steam ferry boat of the most approved description, and has paid the $30 into the school fund annually since the charter was granted. The first question to be determined, has the Legislature the power to repeal a charter when the rights of the grantee have become vested by a substantial compliance with the requisitions of the grant, charter or contract? Your committee after examining Angel and Ames on Corporations, and the authorities there cited, also Kent's Commentaries, are very certain that the Legislature has no such power. The Legislature can not annul a contract or adjudicate the vested rights of of a party under and by virtue of a contract. According to our theory of government, there are three departments, Legislative, Executive and Judicial, and each department is independent of the other for the accomplishment of their respective functions. It is the peculiar province of the judicial to cancel, set aside and hold for nought a ferry or bank charter where there has been a mis-user or non-user. And it is the peculiar province of the legislative power to legislate, but the legislation to be legitimate must be prospective and not retrospective. If the Legislature can sit in judgment upon the rights of Boulware, under the charter granted to him in 1855, it can sit in judgment upon the bank and ferry charters that encumber and disgrace our statute book. But it can do no such thing, and when it attempts to do so the power of the judicial department is usurped and the legislation is a nullity. But if there was any doubt upon this subject or this point, the tenth section removes that doubt, for the legislature was careful to provide how Boulware's charter might be forfeited. By the "principles of the common law." The affirmation of the manner in which a thing may be done is the negation that it may be done in some other way. Every lawyer understands what the tenth section of the charter means.

Again our law provides that any citizen may upon his own relation file an information in the nature of a petition and sue out a writ of "quo warranto" to test the fact whether a party has forfeited his rights by virtue of an act of the Legislature. The repeal of Boulware's charter would be a childish act and a useless demonstration of bad faith on the part of the Legislature. It would accomplish nothing. It would destroy no vested rights of Boulware. It would be advantageous to the chairman of your committee for he would get a handsome fee. But legislation like this ought to be discountenanced because it furnishes a bad precedent, and can only be productive of litigation and bad feeling.

If the Legislature has the power to repeal Boulware's charter, and thereby take from him all the rights which he acquired by virtue thereof, it certainly and unquestionably has the power to repeal the charter of the Platte Valley Bank, the charter of the De Soto Bank, and all the banks and ferry charters in the Territory. And there is certainly a much greater necessity for the repeal of the bank charters than the ferry charter. Either is an evil, but the former sinks into insignificance compared with the latter. Gentlemen who believe the Legislature can destroy vested rights by repealing charters, are bound to repeal the bank charters, or assume the responsibility for their continuance if they have the majority in the Council and House of Representatives.

If issue was made before the people between the ferry and bank charters there would in the opinion of your committee be ten to one in favor of repealing the bank charters in preference to the ferry charters.

But your committee believing there is no power in this Legislature to repeal the charter of Boulware or any one else, recommend its indefinite postponement.

And if a majority of the Council are determined to act in bad faith towards Boulware, your committee then recommend that the act be so amended as to repeal the charter of the Platte Valley Bank, the charter of the De Soto Bank, and all the ferry and bank charters in the Territory of Nebraska.

Your committee further state that from reliable evidence before them they are of the opinion John B. Boulware has the best ferry on the Missouri at this time, between St. Louis and Sioux City. That the steam ferry boat run by the said Boulware is new and cost five thousand dollars. That the said Boulware has valuable buildings on the Iowa side of the river at Nebraska City, and that to repeal his charter would be an act of injustice unwarranted by law or precedent, and dangerous in the extreme. All of which your committee submit to the consideration of the Council. WM. H. TAYLOR.

Laid over under the rules.

Message from the House:

HOUSE OF REPRESENTATIVES,
Wednesday, Dec. 21st, 1859.

Mr. President:

I am instructed to inform your honorable body that the House have passed the following bills and to request your concurrence therein.

H. F. No. 15, "A bill for an act to legalize the acts of the corporate authorities of Nemaha city."

H. F. No. 26, "A bill relating to questions reserved in district courts."

H. F. No. 54, "An act to authorize Silas Bocock to construct a mill dam across Long Branch."

H. F. No. 7, "An act authorizing suits upon written instruments to be brought in the name by which the same are executed."

H. F. No. 52, "Memorial and joint resolution praying for an appropriation of $50,000 to construct a military road from Nebraska city to New Fort Kearney."

H. F. No. 88, "Joint resolution and memorial relative to the withdrawal from reservation of certain reserved government lands."

I have the honor to return to your custody

C. B. No. 6, "A bill for an act to authorize George R. Fish to erect a mill dam."

C. B. No. 19, "A bill for an act supplementary to the provisions of the Criminal Code, relative to the custody of convicts, and for other purposes."

C. B. No. 18, "A bill for an act to incorporate the Pappillon mill company."

The same having passed the House without amendment.

Also,

C. B. No. 8, "A bill for an act to incorporate the Platte river bridge and ferry company."

The same having passed the House with the following amendments to section 6, thereof.

Inserting the word "or" in the place of the word "and," between the words "change" and "receive," and striking out the words "on conviction thereof," in the fifth and sixth lines, and by striking out the words "ten dollars" in the seventh line, and inserting the words "fifty dollars."

And respectfully request the concurrence of your honorable body therein.

I have also to inform you that the amendments proposed by your honorable body to

H. F. No. 12, "An act to redefine the southern boundaries of Platte and Dodge counties"

Have been adopted by the House.

James W. Moore, Chief Clerk.

The minority of your committee to which was referred

H. F. No. 28, "An act to repeal John B. Boulware's ferry charter at Nebraska City."

Report that as I have not had time to investigate the facts thoroughly, I do not feel prepared to do the matter justice From my knowledge at present, therefore I wish to say that while I am not prepared to sign the report of the chairman of the committee, I am not prepared to make a counter report, and would prefer the whole matter recommitted to a select committee to consist of Messrs. Taylor, Reeves and Cheever.

T. J. Boykin.

Laid over under the rule.

The Committee on Engrossed and Enrolled bills respectfully beg leave to report that

C. B. No. 13, "An act to amend an act entitled an act to consolidate the corporations of Nebraska city, South Nebraska city and Kearney city, and to incorporate Nebraska city," is correctly enrolled.

Mills S. Reeves.

Your committee to which was referred

C. B. No. 32, "A bill for an act to organize and define the boundaries of Wilson county in Nebraska Territory, and locate the county seat thereof,"

Have had the same under consideration and beg leave to report the same back without amendment and recommend its passage.

John R. Porter,
Geo. E. Scott,
Thos. T. Collier.

Report adopted.

The Committee on Corporations to which was referred

C. B. No. 40, "A bill for an act to incorporate the Brownsville hydraulic gas light and coke company."

Have had the same under consideration and beg leave to report the same back without amendment and recommend its passage.

Geo. E. Scott,
Geo. W. Doane.

Report adopted.

H. F. No. 15, "An bill for an act to legalize the acts of the corporate authorities of Nemaha city."

Read first and second time.

On motion,

Referred to the Committee on Corporations.

Mr. Dundy introduced

C. B. No. 41, "A bill for an act for the location of the county seat of Richardson county."

Read first time.

H. F. No. 7, "An act to authorize suits upon written instruments to be brought in the name by which the same are executed."

Read first and second time.

On motion,

Referred to the Committee on Judiciary.

H. F. No. 54, "An act to authorize Silas Babcock to construct a mill dam across Long Branch."

Read first and second time.

On motion,

Referred to the Committee on Corporations.

H. F. No. 26, "A bill relating to questions reserved in district courts."

Read first and second time,

On motion,

Referred to the Committee on the Judiciary.

H. F. No. 52, "A memorial and joint resolution praying for an appropriation of $50,000, to construct a military road from Nebraska city to New Fort Kearney."

Read first and second time,

On motion,

Referred to the Committee on Military Affairs.

Mr. Boykin introduced

C. B. No. 42, "A bill for an act to establish the county of Dawson and define the boundaries."

Read first and second time.

On motion,

Referred to the Committee on Counties.

Mr. Dundy introduced

C. B. No. 43, "A bill for an act to restrain sheep and swine from running at large in the county of Pawnee."

Read first and second times.

On motion,

Referred to the Committee on Agriculture.

C. B. No. 41, "A bill for an act to encourage agricultural pursuits in Nebraska."

Read second time.

On motion,

Referred to the Committee on Agriculture.

C. B. No. "A joint resolution for the relief of Geo. A. Graves."

Read second time.

On motion,

Ordered engrossed and read third time to-morrow.

On motion of Mr. Miller;

The Council resolved itself itself in a Committee of the Whole, to take into consideration

C. B. No. 14, "A bill for an act to regulate elections."

Together with the reports thereto.

Mr. Doane in the chair.

After remaining sometime therein, the committee arose and made the following report, which was

Adopted.

The Committee of the Whole have had under consideration

C. B. No. 14, "A bill for an act to regulate elections."

And report the same back with the following amendments, and recommend the passage of the bill as amended:

In section 2, strike out "Superintendent of Public Instructions" and insert "Commissioners of Common Schools."

Also,

After the words "for one county commissioner" insert "in each organized county."

In section 8, strike out "eight" and insert "nine."

Also,

Strike out "seven" and insert "six."

In section 10, insert after the words "twenty days" the words "and of the precinct five days."

In section 11, insert after the word "of" in line 6, the words "this precinct for the last five days and of this."

In section 19, in last line strike out the words "first election" and insert "canvass."

In section 22, in line 3, strike out the words "right or."

In section 23, 2d line, strike out the words "one justice of the peace of the county" and insert "the county commissioner holding oldest commission."

In section 28, line 3, between the words "ability" and "shall" insert "except by unavoidable accident or necessity."

In section 29, strike out the words "without being expressly ordered so to do."

Geo. W. Doane, Chairman.

On motion,

Bill ordered to be engrossed.

C. B. No. 24, "An act to dissolve the bonds of matrimony between James Clark and Welthy Jane Clark."

Read third time.
Call of the Council demanded.

Mr. Miller absent

On motion of Mr. Dundy
All further proceedings under the call dispensed with.
Call of the Council demanded.

Mr. Miller absent.

Mr. Doane moved the Sergeant-at-Arms be despatched after absentee.
Lost.
On motion of Mr. Dundy,
All further proceedings under the call dispensed with.
Message from the Executive:

EXECUTIVE CHAMBER,
Omaha, December 20th, 1859.

Mr. President:

The Governor directs me to inform your honorable body, that he has signed and approved

"An act to resurvey a part of the territorial road, leading from Rulo, Richardson county, to Blue Springs in Gage county."

JOHN McCONIHE,
Private Secretary.

Question recurring upon the passage of

C. B. No. 24, "A bill to dissolve the bonds of matrimony between James Clark and Welthy Jane Clark,"

The ayes and nays were demanded.

Ayes—Messrs. Boykin, Collier, Dundy, Furnas.—4.

Nays—Messrs. Cheever, Doane, Porter, Little, Scott, Reeves, Taylor.—7.

Lost.

C. B. No. 40, "A bill for an act to incorporate the Brownsville Hydraulic gas light and coke company."

Read third time.
On motion,
Passed, and title agreed to.

C. B. No. 32, "A bill for an act to organize and define the boundaries of Wilson county in Nebraska Territory, and locate the county seat thereof."

Read third time.
On motion,
Passed and title agreed to.
On motion,

C. B. No. 37, "A bill for an act to provide for the redemption of real estate."

Together with the reports thereto was taken from the table.

On motion,

Report adopted.

Mr. Reeves moved to reconsider the vote by which

H. F. No. 4, "A bill for an act to prohibit slavery or involuntary servitude within this Territory,"

Was indefinitely postponed.

Mr. President announced that the bill had been transmitted to the House and was out of the possession of the Council.

Mr. Reeves moved that the Clerk be instructed to recover possession of the bill, and place it before the Council.

Carried.

The bill having again been placed before the Council,

Mr. Reeves renewed his motion to reconsider.

Pending which,

On motion of Mr. Doane,

The Council took a recess until 3 o'clock.

Afternoon Session—3 o'clock P. M.

Council met.

President in the chair.

The question recurring upon the motion to reconsider the vote by which

H. F. No. 4, "A bill to prohibit slavery or involuntary servitude within this Territory" was indefinitely postponed.

Mr. Little demanded a call of the Council.

Mr. Doane absent.

Sergeant-at-Arms dispatched after absentee.

On motion,

All further proceedings under the call dispensed with.

Call of the Council demanded.

M. Doane absent.

Mr. Miller moved that the Sergeant-at-Arms dispatched after absentee.

On motion,

All further proceedings under the call dispensed with.

Mr. Little moved to lay the motion to reconsider on the table.

Ayes and nays demanded:

Ayes—Messrs. Collier, Doane, Little, Miller, Scott.—5.

Nays—Messrs. Boykin, Cheever, Dundy, Furnas, Reeves, Taylor.—6.

Lost.

Mr. Doane moved to lay the whole subject matter upon the table, that he might introduce a joint resolution as a substitute, Ayes and nays demanded:

Ayes—Messrs. Collier, Doane, Little, Miller, Scott.—5.
Nays—Messrs. Boykin, Cheever, Dundy, Furnas, Porter, Reeves, Taylor—7.

Lost.

Ayes and nays demanded upon the motion to reconsider.

Ayes—Messrs. Cheever, Dundy, Furnas, Porter, Reeves, Taylor.—6.
Nays—Messrs. Boykin, Collier, Doane, Little, Miller, Scott, Mr. President—7.

Lost.

Mr. Doane offered the following joint resolution:

Whereas, Slavery does not exist in this Territory, and there is no danger of its introduction therein.

Therefore, Be it resolved by the Council and House of Representatives of the Territory of Nebraska, That we deem it inexpedient and unneccessary to waste the time of the Legislative Assembly in enacting or to blot the pages of our Statute Books in publishing acts, either to regulate, abolish or prohibit slavery in the Territory of Nebraska.

Resolved further, That being opposed to the introduction of slavery in this Territory, and asserting the exclusive power of Territorial Legislatures over the whole subject of slavery in the Territories by right of inherent sovereignty in the people to regulate their domestic institutions in their own way, and by virtue of the provisions of the Kansas and Nebraska bill, this Legislature is prepared in any proper and practical way to take whatever action may be necessary to prohibit or exclude slavery from this Territory at any time when such legislation may become necessary.

Resolved further, That believing the agitation of this question at this time, by the attempt to legislate upon the subject of slavery in this Territory to be ill-timed, pernicious and damaging to the fair name of our Territory, the members of this legislature will oppose all such attempts.

On motion,
The Council adjourned.

S. M. Curran, Chief Clerk.

COUNCIL CHAMBER,
Thursday, Dec. 22d, 1859.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Message from the House:

HOUSE OF REPRESENTATIVES,
Thursday, Dec. 22d, 1859.

Mr. President:

I am instructed to inform your honorable body that the House has passed the following bills and respectfully request your concurrence therein.

H. F. No. 20, "An act to incorporate a seminary at Peru."

H. F. No. 79, "An act to dissolve the bonds of matrimony between Margaret Josephine and George Depuy."

H. F. No. 55, "An act to authorize Stephen Story, Jasper G. Lewis and Henly R. Price to keep a ferry across the Missouri river at St. Stephens."

H. F. No. 75, "An act to provide for bridging Black Bird creek."

H. F. No. 1, substitute, "An act to provide for the transportation of convicts and other purposes."

H. F. No. 53, "An act to extend the jurisdiction of district and probate courts."

H. F. No. 74, "An act to locate a territorial road in the counties of Nemaha and Richardson.

I hereby return to you

C. B. No. 1, "An act to provide for the execution of sentences upon convicts, and their transportation to the penitentiary of a state."

The same having been indefinitely postponed by the House.

JAMES W. MOORE, Chief Clerk.

The committee to which was referred

C. B. No. 43, "An act to restrain sheep and swine from running at large in Pawnee county."

Have had the same under consideration and ask leave to report it back without amendment and recommend its passage.

Also,

C. B. No. 41, "A bill for an act to encourage agricultural pursuits in Nebraska," and report the same back with the following amendment:

In the 2d section, strike out the words "is not" and insert the words "shall not be" and recommend its passage as amended.

T. J. BOYKIN,
JNO. R. PORTER,
MILLS S. REEVES.

Report adopted.

The Committee on Military Affairs to whom was referred

H. F. No. 52, "A memorial and joint resolution praying for an appropriation of $50,000 for the construction of a military road from Nebraska city to New Fort Kearney."

Have had the same under consideration, and beg leave to report it back and recommend its passage without amendment.

Thos. T. Collier,
Geo. E. Scott,
T. J. Boykin.

Report adopted.

The Committee on Highways, Bridges and Ferries to which was referred

C. B. No. 29, "An act to incorporate the South Pass bridge company."

Also,

C. B. No. 25, "An act to incorporate the Platte city bridge company."

Also,

H. F. No. 10, "A bill for an act entitled 'An act to locate a territorial road from Decatur to Columbus."

Also,

H. F. No. 68, "A bill for an act to establish a territorial road in Pawnee and Richardson counties."

Also,

H. F. No. 2 "Joint resolution and memorial to Congress praying for an appropriation to bridge the Loup Fork of Platte river,"

Also,

"A bill for a territorial road from Worrall's bridge in Nemaha county to Pawnee city."

Also,

H. F. No. 43, "An act to locate a territorial road from Nebraska city, via Vesta and Helena, to Beatrice in Gage county."

Have had the same under consideration and report them back without amendment and recommend their passage.

E. S. Dundy,
Geo. E. Scott,
Thos. J. Boykin.

Report adopted.

The Committee on Enrolled and Engrossed Bills respectfully ask leave to report

C. B. No. 6, "An act to authorize George R. Fish to erect a mill dam."

C. B. No. 18, "An act to incorporate the Pappillon mill company."

And

C. B. No. 19, "An act supplementary to the provisions of the Criminal Code relative to the custody of convicts, and for other purposes,"

Are correctly enrolled. Mills S. Reeves, Chairman.

The Committee on Corporations to which was referred

H. F. No. 15, "A bill for an act to legalize the acts of the corporate authorities of Nemaha city."

And

H. F. No. 54, "An act to authorize Silas Babcock to construct a mill dam across Long Branch,"

Have had the same under consideration and beg leave to report the same back without amendment and recommend their passage.

Geo. E. Scott,
Wm. H. Taylor.

Report adopted.

The Committee on Elections to which was referred

H. F. No. 80, "A bill for an act to legalize the election of the town officers of Columbus,"

Having had the same under consideration report it back and recommend its passage.

R. W. Furnas,
J. R. Porter,
E. S. Dundy.

Report adopted.

The Committee on Judiciary to which was referred

H. F. No. No. 7, "A bill for an act authorizing suits upon written instruments to be brought in the name by which the same are executed,"

Have had the bill under consideration, and beg leave to report the same back with the following amendments and recommend its passage:

In section 1, line 11, between the words "contraction" and "the" insert "of."

Add as section 2, "That any company or associations of persons for the purpose of carrying on any trade or business, or for the purpose of holding any species of property in this Territory, and not incorporated, may sue or be sued by such usual name as such company, partnerships or associations may have assumed to itself, or be known by, and it shall not be necessary in such case to set forth in the process or pleadings, or to prove at the trial the names of the persons composing such company."

§ 3. "That process against any such company or firm under the provisions of this act shall be served by a copy left at their usual place of doing business within the county, with one of the members of such company or firm, or with a clerk or general agent thereof, and executions issued on any judgments rendered in such proceeding shall be levied only on partnership property."

§ 4. "That in cases when a company shall sue by its partnership name, such company shall procure the writ to be endorsed by a responsible surety resident of the county, for costs, or otherwise give security for costs."

§ 5. "That if the plaintiff in any judgment so recovered against a company or partnership shall seek to charge the individual property of the persons comprising such company or firm, it shall be lawful for him to file a bill in chancery against the several members thereof, setting forth his judgment and the insufficiency of the partnership property to satisfy the same, and to have a decree for the debt, and an award of execution against all such persons, or any of them as may appear to have been or any of them as may appear to have been members of such company, association or firm."

§ 6. "That the remedies hereby given shall not be construed as repealing any laws now in force in relation to writs by and against partners, but as in addition thereto." GEO. W. DOANE, Chairman.

Report adopted.

Also,

The Committee on Judiciary to which was referred

H. F. No. 26, "A bill relating to questions reserved in district courts."

Have had the same under consideration and beg leave to report the same back with the following amendment, and recommend its passage:

Strike out the second and third clauses of section 1, and add as sections 2 and 3, the following:

§ 2. "Whenever a question shall be reserved as provided for in the preceding section, the same shall be reduced to writing by the judge, and made a part of the record in the case, and thereupon the clerk of the district court in the district where such case is pending, shall immediately make out and transmit to the clerk of the supreme court a transcript of the record in such case, or so much thereof as in the opinion of the judge may be necessary for a proper understanding of the question reserved."

§ 3. "Upon the final decision of such question by the supreme court a memorandum containing a statement of the points decided be signed by the judges or a majority of them, and transmitted by the clerk of the supreme court to the clerk of the district court in which such case is pending." GEO. W. DOANE, Chairman.

Laid over under the rules.

Mr. Reeves introduced

C. B. No. 44, "A joint resolution relative to an exchange of laws and journals."

Read first and second time.

On motion,

Referred to the Committee on Library.

H. F. No. 20, "An act to incorporate a seminary at Peru."

Read first and second time.

On motion,

Referred to the Committee on Education.

H. F. No. 55, "A bill for an act to authorize Stephen Story, Jaspar G. Lewis, and Henly R. Price, to keep a ferry on the Missouri river at St. Stephen."

Read first and second time.

On motion,

Referred to the Committee on Highways, Bridges and Ferries.

H. F. No. 88, "Joint resolution and memorial relative to the withdrawal from reservation of certain reserved government lands."

Read first and second times.

On motion,

Referred to the Committee on Agriculture.

H. F. No. 53, "An act to extend the jurisdiction of the district and probate courts."

Read first and second times.

On motion,

Referred to the Committee on Judiciary.

H. F. No. 74, "An act to locate a territorial road in the counties of Nemaha and Richardson."

Read first and second times.

On motion,

Referred to the Committee on Highways, Bridges and Ferries.

H. F. No. 79, "A bill for an act to dissolve the bonds of matrimony between Margaret Josephine Depuy and George Depuy."

Read first and second times.

Mr. Doane moved the indefinite postponement of the bill.

The ayes and nays demanded.

Ayes—Messrs. Boykin, Cheever, Doane, Dundy, Little, Miller, Porter, Reeves, Scott.—9.

Nays—Messrs. Collier, Furnas, Taylor.—3.

Carried.

Mr. Miller moved to reconsider the vote by which the bill was indefinitely postponed, and moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Cheever, Doane, Little, Miller, Porter, Reeves, Taylor.—8.

Nays—Messrs. Collier, Dundy, Furnas.—3.

Carried.

The Committee on Engrossed bills to which was referred

C. B. No. 39, "A joint resolution for the relief of George A. Graves."

Report the same back as correctly engrossed. R. W. FURNAS.

H. F. No. 1, "An act to provide for the transportation of convicts and other purposes."

Read first and second time.

On motion,

Referred to Committee on Judiciary.

H. F. No. 75, "A bill to provide for the erection of a bridge across Black Bird creek."

Read first and second times.

On motion,

Referred to the Committee on Military Affairs.

C. B. No. 41, "A bill for an act for the location of the county seat of Richardson county."

Read second time,

On motion,

Referred to the Committee on Counties.

H. F. No. 52, "Memorial and joint resolution praying for an appropriation of $50,000 to construct a military road from Nebraska city to New Fort Kearney."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 54, "An act to authorize Silas Babcock to construct a mill dam across Long branch."

On motion of Mr. Reeves,

The bill was recommitted to the committee with instructions to inquire whether the parties applying, are to build the dam on their own land.

H. F. No. 80, "An act to legalize the election and qualification of the town officers of the town of Columbus in Platte county."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 68, "A bill for an act to establish a territorial road in Pawnee and Richardson counties."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 10, "A bill for an act to locate a territorial road from Decatur to Columbus."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 25, "An act to incorporate the Platte city bridge company."

Read third time.

On motion,

Passed, and title agreed to.

C. B. No. 39, "Joint resolution for the relief of George A. Graves."

Read third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Boykin, Collier, Cheever, Doane, Furnas, Little, Miller, Porter, Reeves, Scott.—10.

Nays—0.

Bill passed.

On motion,

Title agreed to.

H. F. No. 64, "A bill for a territorial road from Worrall's bridge in Nemaha county to Pawnee city."

Read third time.

On motion,

Passed and title agreed to.

C. B. No. 43, "A bill for an act to restrain sheep and swine from running at large in Pawnee county."

Read third time.

On motion,

Passed and title agreed to.

"Joint resolution and memorial to Congress praying for an appropriation to bridge the Loup Fork of Platte river."

Read third time.

Passed and title agreed to.

C. B. No. 29, "An act to incorporate the South Pass bridge company."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 43, "An act to locate a territorial road from Nebraska city, via Helena and Vesta in Johnson county, to Beatrice in Gage county."

Read third time.

On motion,

Passed and title agreed to.

On motion of Mr. Dundy,

The Committee on Counties were instructed to report C. B. No. "A bill to locate the county seat of Richardson county" to-morrow morning.

H. F. No. 28, "An act to repeal an act entitled an act to authorize John B. Boulware to keep a ferry on the Missouri river at Nebraska city in Pierce county," together with the reports thereto was taken from the table.

Mr. Taylor moved the adoption of the majority report.

Call of the Council demanded.

Messrs. Miller and Furnas absent.

On motion,

The Sergeant-at-Arms was dispatched after absentees.

On motion,

All further proceedings under the call dispensed with.

Ayes and nays demanded upon the motion to adopt the majority report.

Ayes—Messrs. Collier, Cheever, Doane, Taylor.—4.

Nays—Messrs. Boykin, Dundy, Furnas, Little, Miller, Porter, Reeves, and Scott.—8.

Lost.

Read third time.

Mr. Taylor moved to recommit the bill.

Mr. Little moved to lay that motion upon the table.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Furnas, Little, Miller, Porter, Reeves and Scott.—7.

Nays—Messrs. Collier, Cheever, Doane, Taylor.—4.

Carried.

The ayes and nays were demanded upon the passage of the bill.

Ayes—Messrs. Boykin, Collier, Dundy, Furnas, Little, Miller, Porter, Reeves, Scott.—9.

Nays.—Messrs. Cheever, Doane, Taylor.—3.

Bill passed.

On motion,

Title agreed to.

Mr. Little moved to reconsider the vote by which the bill was passed and moved to lay that motion on the table.

Carried.

Mr. Reeves moved that Mr. Miller have leave of absence for the remainder of the session.

Carried.

On motion of Mr. Reeves

The Council adjourned.

S. M. CURRAN, Chief Clerk.

COUNCIL CHAMBER,
Friday, Dec. 23d, 1859.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Message from the House.

HOUSE OF REPRESENTATIVES,
Friday, Dec. 23d, 1859.

Mr. President:

I am instructed to inform your honorable body that the House has passed

H. F. No. 108, "An act to fix the times of holding the district court in the counties composing the 2d judicial district."

And

H. F. No. 78, "An act to legalize the official acts of Abraham Towner."

And respectfully solicit your concurrence therein.

J. W. MOORE, Chief Clerk.

On motion of Mr. Reeves,

Leave of absence was granted Mr. Taylor for the remainder of the session.

Your committee to which was referred

H. F. No. 58, "A bill for an act to organize the county of Kearney; to define its boundaries, and to locate the county seat thereof."

Have had the same under consideration and ask leave to report the bill back without amendment and recommend the passage thereof.

And also,

C. B. No. 42, "A bill for an act to establish the county of Dawson, and define its boundaries."

Have had the same under consideration and report it back and recommend its passage."

Also,

"A bill for an act to define the boundaries and locate the seat of justice of Shorter county."

Have had the bill under consideration and report the same back without amendment and recommend its passage.

And in pursuance of the instructions from the Council to report the geographical limits of Kearney county, would state that the county of Shorter bounds Kearney on the west, and that they are informed that the Indian title is extinct to said land.

All of which is most respectfully submitted,

Jno. R. Porter,
Geo. E. Scott,
T. T. Collier.

Report adopted.

The Committee on Military Affairs to which was referred

H. F. No. 75, "A bill to provide for a bridge across the Black Bird creek."

Have had the same under consideration, and finding that the existing necessity of a bridge across the Black Bird creek is a fact beyond doubt or contradiction, and that the early construction of a good substantial bridge at the point designated in the bill for the appropriation to complete the same, would result in immense benefit to the public generally, and especially to the northern portion of this Territory, whose only means of transit below is, by the route which crosses said creek at the point mentioned in said bill, and your committee would therefore beg leave to report the same back to the Council without amendment, and recommend its passage.

Thos. T. Collier.
Thos. J. Boykin,
Geo. E. Scott,

Report adopted.

Your committee to which was referred

C. B. No. 41, "A bill for an act for the location of the county seat of Richardson county."

Have had the bill under consideration and would respectfully submit the following facts, as learned in relation to the county seat of Richardson county.

By reference to the acts of the first session of the Legislature of Nebraska (see page 341), the county seat was first located at the town of Archer. A large portion of the people being dissatisfied with the manner in which the county seat was located, claimed the right to vote upon its location, accordingly an election was held on the day of general election, November, 1856, under the provisions of the general law (see page 198 second session laws). At this election Salem had a majority of one vote over Archer (the law requiring a vote of two-thirds) consequently the county seat remained at Archer.

During the winter of 56–57, the western boundary of the half-breed tract of land was resurveyed, by which Archer was found to be upon the half-breed reservation, and consequently outside of the civil jurisdiction of the county, and the county being thus without a county seat, some legislative action seemed to be required, a bill was introduced and passed (see acts of third session, page 280), providing for an election by the people.

The people of Richardson county, not aware that the Legislature had taken any action in the matter, forwarded a petition to the Legislature which was signed by over a majority of the votes polled six weeks previous, praying that the county seat be permanently located at Salem, and in accordance with this petition a supplementary act was passed (see acts, third session laws, page 181), and it would seem that a will of a majority of the people was clearly and fully expressed on this question once at the ballot box, and once by petition to the Legislature, from the facts set forth your committee believe at that time a large majority of the bona fide citizens of the county were in favor of Salem as the seat of justice.

Subsequently in the progress of the country other sections of the county were desirous of having an opportunity of voting on the question allowing a majority to locate, and notwithstanding a majority of the people had twice spoken on the question in favor of Salem, it was agreed by all the candidates for the Legislature before the election in August, 1858, that in order to settle this vexed question, an act should be passed throwing the entire question open and let every point have an opportunity or chance of securing the county seat, and your committee are informed that it was distinctly understood that the result of the several elections proposed should be a final settlement of the question as to the location of the county seat, and that the public affairs of the county and the prosperity of the people should no longer be kept in jeopardy. Such an act was passed and approved by the Governor, and the people of Richardson county, also (see acts of the 5th session, 1858, page 394). The three several elections therein provided for were duly held. The provisions of the act have been entirely exhausted, and which have resulted in the choice of Salem as the county seat of the county, it was so declared by the board of county canvassers of the last election, so declared by the contest board, so declared by the district court, and also so declared by the supreme court of the Territory, to which it had been referred for final adjudication.

With all of the above facts in the case before us, your committee would most respectfully beg leave to report the bill back, and recommend the indefinite postponement of the same.

Jno. R. Porter,
Geo. E. Scott.

Laid over under the rules.

On motion of Mr. Reeves,

Mr. Furnas was granted leave of absence for five days.

Mr. Collier introduced

A petition from the citizens of Cedar county praying for the change of the boundaries of said county.

Referred to the Committee on Counties,

With instructions to report a bill in accordance with the prayer of said petition.

Mr. Reeves offered the following report in behalf of Mr. Taylor.

The select committee to which was referred

C. B. No. 10, "An act to refund to Otoe county the amount of territorial taxes paid into the treasury in 1858" or paid into the territorial treasurer for the year 1858.

Have had the same under consideration and beg leave to report. First, as to the law authorizing the levy of taxes for the year 1858, and secondly as to the number of counties that paid any Territorial taxes for the year 1858, and the amount paid by each. Your committee are satisfied that there was no law in existence in 1858, which authorized the levy and collection of a territorial tax. The Legislature of 1857, in attempting to adopt a revenue law, only adopted the enacting clause. This much was approved. But the chapter in the Iowa Code referred to in the enacting clause was never passed by the Legislature, nor approved by the Governor. Nor is the charter as printed in the statutes of 1857, applicable to our territorial organization. In fact it is now law, and this is the reason there was no tax levied and collected by the counties in the Territory in 1858.

Your committee further report that none of the counties paid anything into the territorial treasury for the year 1858, except Otoe, Nemaha, Richardson and Johnson. That Otoe paid $788.21, Richardson $200, that Johnson paid $44.83, Nemaha county $66.20, and that it would be no more than justice to refund the several amounts to the counties aforesaid.

Your committee therefore recommend that the original bill be so amended as to refund the amount aforesaid to the several counties aforesaid.
W. H. Taylor, Chairman.

On motion of Mr. Reeves,

The report was laid upon the table.

And

On motion of Mr. Reeves,

The bill was referred to a select committee of three.

Messrs. Reeves and Little and Collier were appointed said committee.

Mr. Porter introduced

"Joint resolution for the prohibition of slavery."

Read first and second time,

On motion of Mr. Furnas,

Ordered to be read third time to-morrow.

Mr. Donelan presented a petition from the citizens of Cass county, praying for the establishment of a territorial road in said county.

On motion of Mr. Boykin,

The petition was referred to the Committee on Highways, Bridges, and Ferries, with instructions to report a bill in accordance with the prayer of the petitioners.

On motion of Mr. Scott,

The Council adjourned until Tuesday afternoon at 3 o'clock P. M.

S. M. Curran, Chief Clerk.

Council Chamber,
Tuesday, Dec. 27th, 1859.

3 o'clock P. M.

Council met pursuant to adjournment.

President in the chair.

Journal read and approved.

Call of the Council demanded,

Quorum present.

On motion,

Further proceedings under the call dispensed with.

Mr Dundy made the following report:

Mr. President:

The Committee on Highways and Bridges to which was referred a petition of citizens of Cass county, praying for a territorial road, have had the same under consideration and report the accompanying bill, entitled

"An act to locate a territorial road in Cass county," and recommend its passage without amendment.

Also,

H. B. No. 74, entitled "An act to locate a territorial road in the counties of Nemaha and Richardson."

Also,

H. B. No. 55, "For an act to authorize Stephen Story, Jasper G. Lewis and Henly R. Price to keep a ferry on the Missouri river at St. Stephen,"

Both of which have been under consideration of your committee; we therefore report the same back without amendment and recommend their passage.

Dec. 27th, 1859.

E. S. Dundy,
Geo. E. Scott,
Thos. J. Boykin.

Report adopted.

The Committee on Highways and Bridges to which was referred

"Joint resolution to examine the law regulating ferries, and to inquire into the expediency of reporting a general law by which ferry companies can be organized without resort to special legislation,"

Have examined the general law regulating ferries approved 3d November, 1858, that being the only law in force on that subject, and after careful examination of the said act, your committee are of opinion that the same ought to be repealed. The committee therefore report the accompanying bill, entitled

"An act to repeal an act, regulating ferries," approved Nov. 3d 1858, And recommend its passage.

Your committee are of the opinion that it is inexpedient and improper to pass any general law to regulate ferries, or to confer upon individuals special powers, for the reason that corporate powers and privileges ought to be conferred by the Legislature only. Your committee therefore asks to be discharged from the further consideration of the resolution the subject matter thereof.

E. S. Dundy,
Geo. E. Scott,
Thos. J. Boykin.

Report adopted.

Message from the Executive:

Executive Chamber,
Omaha, December 27th, 1859.

To the Council:

Mr. President:

I am instructed by the Governor to inform your honorable body, that he has signed and approved the following bills:

"An act to amend an act entitled an act to consolidate the corporation of Nebraska city, South Nebraska city and Kearney city, and to incorporate Nebraska city."

"An act to authorize George R. Fish to erect and keep a mill dam across the north fork of the Great Nemaha river."

John McConihe,
Private Secretary.

On motion of Mr. Porter,
The Council adjourned.

Council Chamber,
Wednesday, Dec. 28th, 1859.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Coller presented a petition from the citizens of St. Helena in Nebraska Territory, praying for a law to legalize the acts of C. B. Evans, Mayor of said city.

Referred to the Committee on Elections.

The Committee on Judiciary to which was referred

H. F. No. 1, being a substitute for C. B. No. 1, for an "Act to provide for the transportation of convicts and for other purposes."

Has had the same under consideration and reports the same back with the following amendments, and recommend its passage as amended:

SEC. 1. Strike out all after the 12th line, and insert as follows: "Any one convicted of crime, the punishment of which is imprisonment in the Penitentiary, to direct as part of such sentence that such convict shall be imprisoned in the States Prison or Penitentiary of the State with which such contract may be made.

Provided, that any order so made as part of the sentence passed after the taking effect of this act, and before the completion of such contract by the Governor, shall have the same force and effect as if made after the completion of such contract."

All of which is respectfully submitted.

GEO. W. DOANE, Chairman.

Report adopted.

The minority of your committee to which was referred

C. B. No. 41, "An act to locate the county seat of Richardson county."

Respectfully ask leave to submit a minority report, and to show therein the reasons for dissenting from the views entertained by and expressed in the report of the majority of the committee. In doing this, I deem it wholly unnecessary to go back to the early organization of the county of Richardson, to show what legislation was had, or what action has been taken relative to the location of the county seat of that county, consequently I shall only refer to the act of the Territorial Legislature, approved 3d October, 1858, page 394, laws 1858, which provides for the location of the county seat of said county by a vote of the people, and the proceedings had under and by virtue of the provisions thereof.

The act provides for holding an election on the first Monday in December, 1858, for the purpose aforesaid. I am informed that an election was held through the county at the time specified in the act, and that no one place received a majority of all the votes polled at the election. On the 25th of December following, a second election was had, which resulted in no choice by the people. On the 10th of January, 1859, a third election was held by the order of the county commissioners of the county in pursuance of the provisions of said act, at the last election, Falls city and Salem were the only places balloted for. Falls city received a majority of 34 of all the votes polled. The board of canvassers rejected and threw out the returns from St. Stephens and Spicer precincts, and thus made a tie vote between the two places, consequently the county seat remained at Salem, where it was located by the act of the Legislature of 3d October, 1858, before referred to; several persons on behalf of Falls city, contested the election before the county clerk of the county; after the contest was ended, the clerk finally decided in favor of Salem. The representatives of Falls city, by "petition in error" renewed the proceeding had before the county clerk into the Richardson county district court, for revision therein. The case came on to be heard, on motion to dismiss for want of jurisdiction, at the April term, 1859, the said court, after argument, the motion was sustained, and the petition dismissed accordingly. From the decision of the district court, Falls city appealed to the supreme court of the Territory, and at the December term, 1859, of the court, the decision of the district court was affirmed, so that no decision has ever been made or hearing had, on the merits of the case, in either of said courts.

From the facts, it appears to me to be very evident that the county seat is not now located where the people of the county desire it to be, and that the wishes and will of the people as expressed through the ballot box, on the 10th of January, 1859, have been for some cause, wholly disregarded. The bill before the committee contemplates, and provides for another election between the two places before named. If it becomes a law, an election will be held under it on the 4th Monday of January, 1860. The question can then be settled by a vote, and in all probability fairly settled by the people of the county who are directly interested in the result, and will be affected thereby. I therefore recommend the passage of the bill without amendment.

THOS. T. COLLIER.

Laid over under the rules.

The Committee on Engrossed and Enrolled Bills ask leave to report, that

C. B. No. 1, "A bill for an act to encourage agricultural pursuits in Nebraska."

Is correctly engrossed.

MILLS S. REEVES.

The Committee on Corporations to which was recommitted

H. F. No. 54, "An act to authorize Silas Babcock to construct a mill dam across Long Branch,"

With instructions to ascertain upon whose land said dam was built or being built, beg leave to report that the dam is now built upon land owned by the constructor Silas Babcock, and that the act makes him amenable for any injury done private property by reason of back water or other damage caused by the construction of said dam.

GEO. E. SCOTT, Chairman.

Laid over under the rule.

Your Committee on Military Affairs to whom was referred

Joint resolution relative to an exchange of laws and journals with the several states and territories.

Have taken the same under consideration, and recommend its adoption without amendment.

THOS. T. COLLIER,
GEO. E. SCOTT.

Report adopted.

Your Committee on Agriculture to whom was referred

H. F. No. 88, have had the same under consideration, and beg leave to report the same back without amendment and recommend its passage.

T. J. BOYKIN,
J. R. PORTER,
M. S. REEVES.

Report adopted.

The Committee on Judiciary to which was referred

C. B. No. 12, "A bill for an act to exempt homesteads from forced sale on execution."

And also,

C. B. No. 21, "A bill for an act for a homestead exemption."

Has had the bills under consideration, and begs leave to report that by the provisions of the first bill a limit of one thousand dollars is placed upon the privilege of exemption, and the whole bill is framed upon the policy of a limitation in value upon the homestead, which it proposes to exempt from sale, such a limitation in the opinion of a majority of your committee withdraws from this measure of humanity the element which most commends it to the active sympathy and enlightened reason of such as would save a wife and children from the consequences of the improvidence or misfortunes of a bankrupt husband or father. The policy of the law should be to preserve sacred from the clutches of a rapacious creditor *the home* about which have clustered the associations of youth and age, and within which are enshrined the household gods. It is not the design of such a law to withdraw any certain amount in value of the debtor's property from execution, with the design of conferring a benefit to that extent upon *him*, but for the sake of throwing an ægis of protection around the weak, and preserving the family hearthstone from rude invasion and sacrifice. In this view, what value can be placed upon the *home* which the hand of affection and innocence has adorned? How shall the office of the law estimate the fond recollections which attach to every object rendered familiar as the face of a friend by daily contact, how appreciate the sacred affection which clusters about every tree and and shrub and flower which have been reared with so much of tender care, and invested with such holy interest.

It is the duty, as it should be the policy of the law to exempt from the operation of its most rigid process, all that which can be demonstrated *the home* in its most comprehensive sense, in that same spirit of progressive humanity which has already withdrawn the person of the debtor from seizure and imprisonment for debt. The majority of your committee therefore reports back C. B. No. 12, and recommend its indefinite postponement, and also reports back C. B. No. 21, with certain amendments and recommend its passage.

Sec. 1. In 7th and 8th lines strike out the words "one half acre or" also in 11th line after the word "territory," insert "being the head of a family," also at the end of 13th line, add "so long as the same shall be owned and occupied by the debtor as such homestead." Also in 16th line, after the word "occupied," insert "by any one or more of the family of the debtor, or."

§ 2. Strike out the words "or other alienation of such land by the owner thereof if a married man."

§ 3. In 2d line after the word "householder," insert "being the head of a family."

§ 5. In 3d line, strike out the words "set off" and insert in lieu thereof "portion thus assigned."

§ 6. In 1st line strike out the words "owning and."

§ 8. In first line strike out the words "or represented."

In line 3, strike out "State" and insert "Territory" and after "Territory" add "against any person being a resident of this Territory and the head of a family."

In the 2d clause strike out "and musical instruments."

In the 5th clause, 1st line, before "wearing apparel" insert "necessary," and in 2d and 3d line strike out "kept and used by the debtor and his family," and insert in lieu thereof, "necessary for the use of such family," and at the close of the 4th line after "family" insert "not to exceed four," and in 6th line after the word "enumerated" insert "to be selected by the debtor" and in same line strike out "five" and insert "one."

Strike out 6th clause and insert in lieu thereof as follows: Sixth, "one cow, three hogs and all pigs under six months old, and if the debtor be at the time actually engaged in the business of agriculture in addition to the above one yoke of oxen or a pair of horses in lieu thereof, ten sheep and the wool therefrom either in the raw material or manufactured into yarn or cloth, the necessary food for the stock mentioned in this section for the period of three months, one wagon, cart, dray, two ploughs, one drag, the necessary gearing for the team herein exempted, and other farming implements not exceeding fifty dollars in value."

In 7th clause strike out "one year" and insert "six months" in both places.

In 8th clause, strike out of 3d, 4th and 5th lines the words "and in addition thereto," &c., to the words "in value."

§ 10. Strike out and substitute as follows:

"An act to exempt a certain amount of property from forced sale, approved March 16th, 1855, and all other acts and parts of acts inconsistent with this act, is hereby repealed."

Add to section 12 the following:

§ 12. "The provisions of this act shall be and are hereby extended only to process issued upon suits begun or judgments rendered upon debts contracted, and liabilities incurred after the taking effect of this act, and all judgments and decrees rendered upon contracts made, or liabilities incurred before the taking effect of this act, may be enforced the same as if this act had not been passed.

All of which is respectfully submitted.

Geo. W. Doane, Chairman.

Report adopted.

Mr. Doane moved that the bill be engrossed and read third time tomorrow.

Mr. Little moved to amend by adding, that 100 copies be printed for the use of the Council.

Carried.

And the motion as amended was adopted.

The select committee to whom was referred

C. B. No. 10, "A bill for an act to refund to Otoe county the taxes paid into the territorial treasury for A. D. 1858, and other purposes."

And also

C. B. No.—, "A bill for an act to authorize the transfer of certain taxes to the counties in which they were collected,"

Have had the same under consideration, and respectfully recommend the passage of the substitute.

MILLS S. REEVES, Chairman.
THOS. T. COLLIER.

Report adopted.

Mr. Dundy introduced

C. B. No. 46, "An act to establish a ferry across the Great Nemaha river in Richardson county."

Read first and second time,

On motion,

Referred to the Committee on Highways, Bridges and Ferries.

Mr. Reeves introduced

C. B. No. 47, "A bill for an act to provide for the payment of district attorneys."

Read first and second time.

On motion,

Referred to the Committee on Expenditures.

Mr. Reeves introduced

C. B. No. 48, "A bill for an act to apportion the members of the Council."

Read first time.

Mr. Scott introduced

C. B. No. 49, "An act to authorizing Peter A. Sarpy to keep and run a ferry across the Loup Fork river in Monroe county."

Read first and second time.

On motion,

Referred to the Committee on Corporations.

Mr. Dundy gave notice of a bill to exempt certain personal property from taxation.

Also,

Of a bill to charter a ferry across the Missouri river at Rulo in Richardson county.

Mr. Scott gave notice of a bill for an act to incorporate the Fort Calhoun and Iowa ferry company.

Also,

Of an act to amend an act entitled "An act to incorporate the city of Fort Calhoun.

Mr. Dundy introduced

C. B. No. 50, "An act to repeal an act entitled an act regulating ferries, approved Nov. 3, 1858."

Mr. Dundy introduced

C. B. No. 51, "An act to locate a territorial road in Cass county."

Read first and second times.

On motion of Mr. Dundy,

Rules suspended,

And the bill was read a third time by its title,

Passed and title agreed to.

Mr. Little introduced

C. B. No. 52, "A bill for an act to incorporate Kearney city in Kearney county."

Read first and second time.

On motion,

Rules suspended,

And bill read a third time by its title,

Passed and title agreed to.

C. B. No. 34, "A bill for an act to establish the county of Shorter, and define its boundaries."

Mr. Scott moved to amend the bill in the 1st line of 6th section by striking out the name of "George Miller" and inserting in lieu thereof "S. M. Curran."

Carried.

On motion,

Bill ordered engrossed, and read a third time to-morrow.

H. F. No. 108, "A bill for an act to fix the times for holding the district court in the counties comprising the second judicial district."

Read first and second times.

On motion of Mr. Dundy,

Referred to a select committee of three.

Messrs. Dundy, Reeves and Furnas were appointed said committee.

H. F. No. 78, "A bill for an act legalizing the official acts of Abraham Towner."

Read first and second times.

On motion,

Referred to the Committee on Judiciary.

H. F. No. 55, "A bill for an act authorizing Stephen Story, Jasper G. Lewis and Henly R. Price to keep a ferry on the Missouri river at St. Stephens."

Read third time.

On motion,

Passed and title agreed to.

C. B. No. 42, "A bill for an act to establish the county of Dawson and define its boundaries."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 58, "An act organizing the county of Kearney, to define its boundaries, and to locate the county seat thereof."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 74, "An act to locate a territorial road in the counties of Nemaha and Richardson."

Read third time.

On motion,

Passed, and title agreed to.

H. F. No. 7, "An act authorizing suits upon written instruments to be brought in the name by which the same where executed, and for other purposes."

Read third time.

On motion,

Passed.

Mr. Doane moved to amend the title by adding to it the words "and for other purposes."

Carried.

On motion,

Title agreed to as amended.

H. F. No. 75, "A bill to provide for the erection of a bridge across Black Bird creek."

Was on motion of Mr. Reeves,

Laid upon the table until Friday.

Message from the Executive:

EXECUTIVE CHAMBER,
Omaha, Dec. 28th, 1859.

Mr. President:

I am instructed by the Governor to inform your honorable body that he has signed and approved,

"An act supplementary to the provisions of the Criminal Code, relative to the custody of convicts and for other purposes."

JOHN MCCONIHE,
Private Secretary.

C. B. No. 41, "A bill for an act to encourage agricultural pursuits in Nebraska."

Mr. Little moved to indefinitely postpone the bill.

Lost.

On motion of Mr. Dundy,

The bill was laid upon the table.

H. F. No. 15, "A bill for an act to legalize the acts of the corporate authorities of Nemaha city."

Was on motion of Mr. Dundy,

Recommitted to Judiciary Committee.

C. B. No. 10, "A bill for an act to authorize the transfer of certain taxes to the counties in which they were collected.

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 88, "A joint resolution and memorial relative to the withdrawal from reservation of certain reserved government lands."

Read third time.

On motion,

Passed and title agreed to.

C. B. No. 44, "A joint resolution relative to an exchange of laws and journals."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 1, "An act to provide for the transportation of convicts and for other purposes."

Read third time.

On motion,

Passed and title agreed to.

C. B. No. 14, "A bill for an act to regulate elections,"

Was taken from the table.

Mr. Doane moved to further amend the bill in section 22, by striking out "or district," and after the word "election" in the second line insert "of a county or precinct officer, or of a member claiming an election to the Council or House of Representatives," and in section 23, after the word "commission" in second line, add "in cases of contest of county officers, and the same officers of the county first named in a law creating a district, in cases of a contest of those claiming the election to the Council or House of Representatives, when more than one county constitute a district."

Also add as sections 30 and 31, the following:

Sec. 30. If any judge of election shall knowingly receive or sanction the reception of a vote from any person not having the qualifications of an elector prescribed by this act, or shall receive or sanction the reception of a ballot from any person who shall refuse to take the oath prescribed by the eleventh section of this act, or shall refuse or sanction the refusal by another judge of the board to which he shall belong to administer the oath prescribed by said section, or if any judge or clerk of election on whom any duty is enjoined by this act, shall be guilty of any willful neglcet of such duty, or of any corrupt conduct in the execution of the same, such judge or clerk shall be imprisoned in the penitentiary not more than one year.

§ 31. If any person not being a judge or clerk of election shall unlawfully obtain possession of any poll books, or having lawfully obtained possession of the same, shall in any manner change, mutilate or erase any of the names or figures thereon, or if any person shall in any manner, change, mutilate or deface any of the names or figures entered upon the abstract of votes, required by the eighteenth section of this act, to be transmitted to the Governor of this Territory, such persons shall be imprisoned in the penitentiary for a term not exceeding five years, and not less than one year.

On motion,

Amendments adopted.

On motion,

Bill ordered engrossed and read third time to-morrow.

On motion,

C. B. No. 3, "A bill for an act to regulate interest on money,"

Together with the reports thereto were taken from the table.

On motion of Mr. Cheever,

The whole subject matter was laid on the table, and made the special order in Committee of the Whole House, one week from to-day.

H. F. No. 26, "A bill relating to questions reserved in districts courts."

Together with the reports thereto were taken from table."

Mr. Little moved to amend the bill by inserting between the words "may" and "reserved" the words "in its discretion."

Mr. Cheever moved to recommit the bill with instructions to report on the amendment.

Carried.

On leave,

Mr. Cheever made the following report:

The Committee on Public Buildings to which was referred

C. B. No. 38, "A joint resolution and memorial to the Congress of the United States for a penitentiary."

Having had the same under consideration report the same back without amendment, and recommend its passage.

J. H. CHEEVER,
THOS. J. BOYKIN.

Laid over under the rules.

The minority of the Committee on Public Buildings to which was referred

C. B. No. 38, "A joint resolution and memorial to the Congress of the United States, for a penitentiary,"

Beg leave to report, that by an act of the Legislature at the second session, the place for the location of the penitentiary for this Territory was designated, and that place was at Tekama, in Burt county.

The minority of your committee, see no good reason for the change of such a location, but many reasons why the location should not be changed, the minority therefore recommend that "Bellevue, in Sarpy county," be striken out, and "Takama, in Burt county," be inserted in lieu thereof.

Respectfully submitted, GEO. W. DOANE.

Laid over under the rules.

The Committee on Finance, Ways and Means, to which was referred

C. B. No. 28, "A bill for an act to provide for the payment of interest on the public debt, and for the redemption of territorial warrants,"

Have had the same under consideration, and respectfully beg leave to report.

That in the opinion of your committee the passage of such a law would enlarge and complicate the duties of the territorial treasurer, without providing him any compensation for his extra services; and that in its practical operation it would necessarily increase the expenses of the territorial government, the committee therefore recommend that the bill be indefinitely postponed.

The committee has also had under consideration

C. B. No. 35, "An act to provide for the payment of territorial warrants,"

And ask leave to report that the bill under consideration provides that territorial warrants may be redeemed by the county treasurers of of the several counties; a provision which is in conflict with the provision of our revenue law, and which would be productive of no advantage to the territorial treasurer, while it would operate to benefit a few holders of warrants who would know *when* and *where* to apply for payment, and to the detriment of all others who are not advised as to the location of the territorial funds.

Your committee are of the opinion that the territorial warrants should be presented and paid at the office of the territorial treasurer in the order in which they are drawn; and ask leave to introduce the accompanying bill, containing provisions to that effect, and recommend the indefinite postponement of the bill under consideration.

MILLS S. REEVES, Chairman.

Laid over under the rules.

Mr. Doane from the same committee made the following report:

The undersigned one of the Committee on Finance to which was referred

C. B. No. 28, "A bill for an act to provide for the payment of the interest on the public debt, and the redemption of territorial warrants," beg leave to report:

That by the provisions of said bill, the first moneys which are collected as revenue are required to be applied to the payment of the interest on the debt of the Territory, and after that, the balance is to go to the liquidation of the principal in the order in which the warrants upon the Territory were issued.

It should be the first care of every state and community in the opinion of the undersigned to preserve its credit, and give the highest value in market to its evidences of indebtedness. Experience teaches us that the payment of interest on public debt, is the surest means of advancing and preserving the credit of a community, especially is it a matter of the first importance to this territory, that every proper effort should be made to raise the credit and value of its warrants, when we are assailed upon every application for compensation for services rendered to the Territory with the plea of, the depreciated value of the warrants.

The provisions of the bill are very simple and can be carried out with an expense of advertising only, which will be very small, requiring but two advertisements in the year. The extra duties devolved upon the Treasurer can all be performed in a few hours, and as his duties have not been, and are not likely to be so onerous in the receipt and disbursement of the revenue as to require all his time, the undersigned is of the opinion that the treasurer would not ask or require any additional compensation for the inconsiderable labor devolved upon him by this bill. The undersigned therefore recommends the passage of the bill.

Respectfully submitted,

GEO. W. DOANE.

Laid over under the rules.

On motion of Mr. Scott,

The Council adjourned.

S. M. CURRAN, Chief Clerk.

COUNCIL CHAMBER,
Thursday, Dec. 29th, 1859. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

The Committee on Engrossed and Enrolled Bills respectfully ask leave to report, that the

"Joint resolution for the prohibition of slavery,"

Is correctly engrossed. MILLS S. REEVES.

The Committee on Education to which was referred

H. F. No. 20, "A bill for an act to incorporate a seminary at Peru."

Having had the same under consideration report it back and recommend its passage. R. W. FURNAS, Chairman.

The Committee on Corporations to which was referred

C. B. No. 49, an act authorizing Peter A. Sarpy to "keep and run a ferry across the Loup Fork river."

Having had the same under consideration report it back and recommend its passage. GEO. E. SCOTT.

Mr. Doane introduced

C. B. No. 53, "A bill for an act to provide a penalty for assault and battery, and to confer jurisdiction in such cases upon justices of the peace."

Read first and second times.

On motion of Mr. Reeves,

Made the special order of the day in Committee of the Whole House to-morrow.

Mr. Furnas gave notice of a bill for an act relative to the duties of county clerks.

Also,

Of a bill regulating the fees of judges of probate.

Also,

Of a bill relative to the transfer of real estate.

Mr. Scott introduced

C. B. No. 54, "An act to incorporate the Fort Calhoun and Iowa ferry company."

Read first time.

Mr. Scott introduced

C. B. No. 55, "An act to amend an act entitled 'An act to incorporate the city of Fort Calhoun.'"

Read first and second times.

On motion,

Referred to the Committee on Elections.

Mr. Dundy introduced

C. B. No. 56. "A bill for an act to exempt certain personal property from taxation."

Read first time.

The committee to which was referred

H. F. No. 18, "An act to legalize the official acts of Abraham Towner."

Have the same under consideration and recommend its passage without amendment.

Also,

H. F. No. 26, "An act relating to questions reserved in district courts,"

With instructions to amend the bill by inserting in the 10th line between the words "may" and "reserve" the words "in its discretion."

Report the same back with the amendments stated, and recommend its passage. Geo. W. Doane.

Report adopted.

Your Committee on Military Affairs to whom was referred

C. B. No. 31, "An act to appropriate the sum of $3527 to R. Wood & Co. on account of the late Pawnee expedition,"

Have had the same under consideration, and from testimony produced by said R. Wood & Co., beg leave to submit the following statement.

It appears from the testimony that R. Wood & Co. furnished nineteen horses, for the use of the troops and artillery squad, on the expedition against the Pawnee Indians, who had been committing depredations on the white settlers at Fontenelle, and other points on our western frontier, that the said horses were furnished by the advice and under the direction of Governor Black, through J. Sterling Morton, Secretary of the Territory; that seven of the horses died from exposure and fatigue and that only four of the balance are fit for use, that seventeen of the horses were in use twenty days, and two of the horses were disabled and not in condition to be returned to R. Wood and Co., until after the expiration of fifty-three days, that the price per diem to be paid, was four dollars per horse, that the valuation of the seven horses that died, as sworn to by the witnesses was, fourteen hundred dollars. The amount paid by Wood & Co. for keeping and expense in getting two horses disabled and left on the road, was $31, expense of getting interpreter $22, use of ten horses, twenty days $800, use of two horses fifty three days $424, making total amount of $2,677, which is all your committee can report on according to testimony furnished.

The extenuating circumstances in the case are the emergency and the actual necessity of prompt action; it was at a time when reports were coming in of the outrages committed by the Indians, and the urgent demands by the settlers (at West Point, De Witt, Fontenelle, &c.), for help, and relief, horses could not be obtained from any other source.

R. Wood & Co., being engaged in the livery business promptly responded to the demand for horses, saddles, bridles, harness, &c., in fact turned out all their stock for the expedition, and by so doing were unable to do any business during the time that the horses were in the service aforesaid, and the loss of some, and the disability of the balance, has proved a serious drawback, and greatly embarrassed their legitimate business. Although your committee are of the opinion that R. Wood & Co., should be remunerated for the use and loss of the stock employed, still your committee do not feel justified in recommending the passage of this bill, for in their opinion no person was clothed with proper authority to make the contract in behalf of the Territory.

Therefore your committee, not feeling competent to report for or against this bill, beg leave to report the same back to the Council for whatever disposition it may make of the same.

Thos. J. Collier,
T. J. Boykin,
Geo. E. Scott.

Laid over under the rule.

C. B. No. 50, "An act to repeal an act entitled 'An act regulating ferries,' approved Nov. 3d, 1858."

Read second time.

On motion,

Referred to the Committee on Judiciary.

C. B. No. 48, "An act to apportion the members of the Council."

Read second time.

On motion of Mr. Collier,

The bill was referred to a special committee of three.

Messrs. Collier, Cheever and Furnas were appointed said committee.

On leave,

Mr. Collier introduced

C. B. No. 57, "A bill for an act to reapportion the members of the Council and House of Representatives of the legislative assembly of Nebraska."

Read first and second time,

On motion,

Referred to the select committee to which was referred C. B. No. 48.

H. F. No. 78, "A bill for an act to legalize the official acts of Abraham Towner."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 26, "A bill relating to questions reserved in district courts."

Read third time.

Mr. Dundy moved the indefinite postponement of the bill.

Ayes and nays demanded:

Ayes—Messrs. Boykin, Cheever, Dundy, Furnas, Little, Reeves, Scott.—7.

Nays—Messrs. Doane, Porter.—2.

Carried.

H. F. No. 15, "A bill for an act to legalize the acts of the corporate authorities of Nemaha city."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 20, "An act to incorporate a seminary at Peru in Nemaha county."

Mr. Doane moved the indefinite postponement of the bill.

Ayes and nays demanded:

Pending which,

Call of the Council demanded,

Mr. Dundy absent.

On motion,

All further proceedings under the call dispensed with.

Ayes and nays were had upon the motion to indefinitely postpone.

Ayes—Messrs. Collier, Doane, Little, Scott.—4.

Nays—Messrs. Boykin, Cheever, Dundy, Furnas, Porter, Reeves.—6.

Lost.

On motion of Mr. Reeves, the bill was recommitted to a select committee of three.

Consisting of Messrs. Reeves, Furnas and Doane.

C. B. No. 58, "Joint resolution for the prohibition of slavery in Nebraska."

Mr. Doane moved the bill be laid upon the table, and made the special order for to-morrow.

Lost.

Mr. Doane arose and stated the following point of order:

That the bill could not now be entertained by the Council, because a bill on the same subject, and containing the same sentiments had been indefinitely postponed this session.

The President decided the point of order out of order.

Mr. Doane appealed from the decision.

The question now was shall the decision of the President stand as the sense of the Council.

Question put and the

President sustained.

Mr. Little moved to amend by striking out the word "resolved" and inserting "enacted."

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Cheever, Dundy, Furnas, Little, Porter, Reeves.—8.

Nays—Messrs. Doane and Scott.—2.

Carried.

Mr. Doane moved to recommit the bill.

Ayes—Messrs. Collier, Cheever, Doane Dundy.—4.
Nays—Messrs. Boykin, Furnas, Little, Porter, Reeves, Scott.—5.

Lost.

Mr. Doane moved the bill be ordered engrossed, and read third time to-morrow.

Lost.

Mr. Reeves moved that the bill be read the third time now, and be put upon its passage, and upon that motion moved the previous question.

Question now was shall the main question be now put.

Carried.

Ayes and nays demanded upon to read third time.

Ayes—Messrs. Boykin, Cheever, Dundy, Furnas, Porter, Reeves.—6.
Nays—Messrs. Collier, Doane, Little, Scott.—4.

Carried.

Bill read third time.

Mr. Little moved to recommit the bill to a select committee of three.

Ruled out of order.

Question recurring upon the passage of the bill, the
Ayes and nays were demanded.

Ayes—Messrs. Boykin, Cheever, Dundy, Furnas, Porter, Reeves.—6.
Nays—Messrs. Collier, Doane, Little, Scott, Mr. President.—5.

Bill passed.

On motion,
Title agreed to.

Mr. Cheever moved to reconsider the vote by which the bill was passed.

Mr. Dundy moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Cheever, Dundy, Furnas, Porter, Reeves.—6.
Nays—Messrs. Collier, Doane, Little, Scott.—4.

Carried.

On motion of Mr. Furnas,
The Council adjourned.

S. M. Curran, Chief Clerk.

COUNCIL CHAMBER,
Friday, Dec. 30th, 1859.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Message from the House:

HOUSE OF REPRESENTATIVES,
Friday, Dec. 30th, 1859.

Mr. President:

I am instructed to inform your honorable body that the House has passed the following bills, and respectfully request your concurrence therein.

H. F. No. 41, substitute "An act to establish the rate of ferriage on the Loup Fork ferry."

H. F. No. 77, "An act to authorize Otoe county to subscribe and take stock in any rail road in Fremont county, Iowa."

H. F. No. 113, "An act to incorporate the Peru hydraulic and manufacturing company."

I herewith return to your honorable body

C. B. No. 27. "Joint resolution for the relief of Justin Davis."

Also,

C. B. No. 39, "Joint resolution for the relief of George A. Graves."

Also,

C. B. No. 44, "Joint resolution relative to an exchange of laws and journals."

The same having passed the House without amendment.

I have also the honor to inform you that the amendments of the Council to

H. F. No. 1, "An act to provide for the transportation of convicts, and for other purposes."

And to,

H. F. No. 7, "An act authorizing suits upon written instruments to be brought in the name by which the same are executed, and for other purposes."

Have been concurred in by the House.

J. W. MOORE, Chief Clerk.

The majority of the committee to which was referred

No. 36, "A bill for an act to dissolve the bonds of matrimony between R. E. Case and Mary Jane Case."

Have had the same under consideration, and report that while as a general rule, your committee consider divorce cases as properly belonging to the courts; yet there are instances where relief can not be there obtained. The committee are of the opinion that the case in question is one of those exceptions, and therefore report the bill back and recommend its passage.

R. W. FURNAS,
THOS. T. COLLIER.

Laid over under the rules.

The Committee on Engrossed and Enrolled Bills respectfully ask leave to report, that

C. B. No. 11, "A bill for an act for a homestead exemption."

And

C. B. No. 34, "A bill for an act to define the boundaries, and locate the seat of justice of Shorter county,"

Are correctly engrossed.

Respectfully submitted, MILLS S. REEVES, Chairman.

H. F. No. 41, "An act to establish the rate of ferriage at the Loup Fork ferry."

Read first and second times.

On motion,

Referred to the Committee on Highways, Bridges and Ferries.

H. F. No. 77, "An act to authorize Otoe county to subscribe and take stock in any rail road in Fremont county, Iowa."

Read first and second times.

On motion,

Referred to the Committee on Corporations.

H. F. No. 113, "A bill for an act to incorporate the Peru hydraulic and manufacturing company."

Read first and second times.

On motion,

Referred to the Committee on Corporations.

The following notices of bills were given:

By Mr. Dundy,

Of a bill providing for settlements of accounts with territorial treasurer.

By Mr. Boykin,

Of a bill to restrain stock from running at large in the territory.

By Mr. Collier,

Of a bill to establish a territorial road from Fontenelle to Ionia.

Also,

Of a bill to incorporate the city of Ionia.

Also,

Of a bill to incorporate the Ionia ferry company.

C. B. No. 54, "An act to incorporate the Fort Calhoun and Iowa ferry company."

Read second time.

On motion,

Referred to the Committee on Corporations.

C. B. No, 56, "A bill for an act to exempt certain personal property from taxation."

Read second time,

On motion,

Referred to the Committee on Finance, Ways and Means.

The Committee on Engrossed and Enrolled Bills to which was referred

C. B. No. 14, "A bill for an act to regulate elections."

Report the same back as correctly engrossed.

R. W. Furnas.

The Committee on Elections to which was referred the petition of the citizens of St. Helena in regard to information of their town election, have had the same under consideration and report the accompanying bill and recommend its passage. R. W. Furnas.

On motion,

The Council resolved itself into a Committee of the Whole to consider C. B. No. 53, "A bill for an act to provide a penalty for assault and battery, and to confer jurisdiction in such cases, upon justices of the peace."

Mr. Doane in the chair.

After remaining some time therein, the committee rose and reported the bill back, and recommend its recommittal to the Committee on Judiciary.

Report adopted.

H. F. No. 75, "A bill for an act to provide for the erection of a bridge across Black Bird creek."

Was, on motion of Mr. Boykin,

Recommitted to a select committee of three, with instructions to report in favor of taxing the northern counties for the construction of said bridge.

Messrs. Boykin Furnas, and Doane were appointed said committee.

C. B. No. 41, "A bill for an act to regulate elections."

Read third time.

On motion,

Passed and title agreed to.

C. B. No. 34, "A bill for an act to define the boundaries and locate the seat of justice of Shorter county."

Read third time.

On motion,

Passed and title agreed to.

C. B. No. 41, "A bill for an act to encourage agricultural pursuits in Nebraska."

Read third time.

On motion,

Passed and title agreed to.

Mr. Scott moved to reconsider the vote by which C. B. No. 41, was passed.

Mr. Porter moved to lay that motion upon the table.

Ayes and nays demanded.

Pending which

Mr. Doane moved a call of the Council.

All present.

On motion,

All further proceedings under the call dispensed with.

Ayes and nays were now had upon the motion to lay upon the table.

Ayes—Messrs. Boykin, Cheever, Dundy, Furnas, Porter, Reeves—6.
Nays.—Messrs. Collier, Doane, Little, Scott.—4.

Carried.

C. B. No. 49. "An act authorizing Peter A. Sarpy to keep and run a ferry across the Loup Fork in Monroe county."

Read third time.

On motion,

Passed and title agreed to.

The Committee on Highways, Bridges and Ferries to which was referred

C. B. No 46, "An act to establish a ferry across the Grand Nemaha river in Richardson county."

Have had the same under consideration and recommend its passage.

Your committee also ask leave to report a bill, entitled

"An act to establish a ferry across the Missouri river in Richardson county,"

And recommend its passage without amendment.

E. S. Dundy,
Geo. E. Scott,
Thos. J. Boykin.

Report adopted.

The Committee on Printing to which was referred

C. B. No. 20, "A bill for an act requiring the publication of certain laws in newspapers,"

Of the Territory, have had the same under consideration and recommend the passage of the bill.

In the opinion of your committee, such is the unavoidable delay in regard to printing in book form and circulating our laws, that the public necessities require a different mode of placing before the people the laws enacted by the General Assembly. All must have felt the inconvenience, loss and expense the past year, resulting from the fact that most portions of the Territory were unable to supply themselves with the printed laws in time for the courts. Your committee are knowing to the fact, that some sections of the Territory are to this day, without the laws passed by the last Legislature.

Your committee are further of the opinion that it is sound policy to afford any facility that the people may become not only acquainted, but familiar with the laws by which they are to be governed, and to which as good citizens they are bound to yield obedience. No better plan to secure a speedy and general circulation of laws, or to make them familiar to the people can be found or adopted, than through the columns of home papers, a plan adopted and now in force in nearly every state in the Union.

As to the expense of publishing the laws as contemplated in the bill, your committee are prepared to state, after a careful calculation, that it will not cost the Territory at the rates provided in the bill one-half the usual price, over from $500 to $800 annually, and the cost to each county will not be over from $25 to $50 annually.

To the bill under consideration your committee recommend the following amendment, viz: add as section 6 the following:

Sec. 6. "That all laws general or local when published in accordance with the provisions of this act, shall be taken and deemed sufficient legal authority in any of the courts of this Territory."

Respectfully submitted,
R. W. **Furnas**, Chairman.

The select committee to which was referred

H. F. No. 108, "A bill for an act to fix the times for holding the district courts in the counties comprising the second judicial district."

Have had the same under consideration and report the same back and recommend its passage with the following amendments:

In section 1 in 17th line, strike out "first Tuesday" and insert "second Monday," in 29th line, same section, strike out "first Tuesday" and insert "second Monday."

In section 2 in 4th line, after the word "courts" insert "when service of process has been made as directed by law; either personally or by publication."

Also,

Also. C. B. No. 9, entitled "A bill for an act to fix the times of holding the district court in Otoe county which will not be necessary if the House bill becomes a law. We therefore recommend that this bill be laid on the table.

E. S. **Dundy**,
Mills S. Reeves,
Robt. W. Furnas.

Report adopted.

The message from the House, together with the amendments of the House to

C. B. No. 8, "A bill for an act to incorporate the Platte river bridge and ferry company."

Were taken from the table.

On motion of Mr. Dundy,

The amendments of the House to said bill were concurred by the Council.

On leave,

Mr. Little introduced

C. B. No. 59, "A bill for an act to incorporate the Omaha Savings Institute."

Read first and second times.

On motion,

Referred to the Committee on Corporations.

Mr. Dundy moved that a committee of two be appointed on the part of the Council to act with a like committee on the part of the House to audit the account of the treasurer of the territory.

Carried.

Messrs. Dundy and Little were appointed said committee.

Mr. Doane moved to adjourn.

Lost.

C. B. No. 60, "An act to provide for the relocation of the county seat of Richardson county."

Was taken from the table.

On motion of Mr. Dundy,

The bill and reports thereto were recommitted to a select committtee of three.

Messrs. Dundy, Little and Porter were appointed said committee.

Mr. Doane moved to go into Committee of the Whole to consider the "Joint resolution relative to slavery."

Lost.

Mr. Dundy moved to adjourn.

Lost.

Mr. Cheever moved to indefinitely postpone the joint resolution.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Cheever, Dundy, Furnas and Porter.—5.

Nays—Messrs. Collier, Doane, Little, Reeves, and Scott.—5.

Lost.

Mr. Doane moved that the joint resolution be considered section by section.

Carried.

Preamble and first resolution were read.

Mr. Furnas called for a division of the question.

Question recurring upon the adoption of the preamble, the

Ayes and nays were demanded.

Ayes—Messrs. Boykin, Collier, Doane, Furnas, Little, Porter, Reeves and Scott.—8.

Nays—Messrs. Cheever and Dundy.—2.

Preamble adopted.

Question recurring upon the adoption of the first resolution.

Ayes and nays were demanded.

Ayes—Messrs. Collier, Doane, Little, Scott.—4.

Nays.—Messrs. Boykin, Cheever, Dundy, Furnas, Porter, Reeves.—6.

Lost.

Question recurring upon the adoption of the second resolution.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Cheever, Doane, Dundy, Furnas, Little, Porter, Reeves and Scott.—9.

Nays—Mr. Collier.—1.

Adopted.

Question recurring upon the adoption of the third resolution.

Ayes and nays were demanded.

Ayes—Messrs. Collier, Doane, Little, Scott.—4.

Nays—Messrs. Boykin, Cheever, Dundy, Furnas, Porter, Reeves.—6.

Lost.

On motion of Mr. Cheever,

The Council adjourned.

S. M. Curran, Chief Clerk.

Council Chamber,
Saturday, Dec. 31st, 1859.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Message from the House:

House of Representatives,
Saturday, December 31st, 1859.

Mr. President:

I am instructed to solicit the concurrence of your honorable body in the following bills which have passed the House:

H. F. No. 45, "A bill to authorize Thomas Patterson and others to keep a ferry on the Missouri river at Rock Bluffs city."

H. F. No. 135, "A bill to authorize James H. McCardle to erect and keep a mill dam across the Great Pappillon creek, in Douglas county."

I also return to your Honorable Body the following bills:

C. B. No. 16, "An act to incorporate the town of Table Rock."

And

C. B. No. 40, "An act to incorporate the Brownville gas light and coke company."

And

C. B. No. 52, "An act to incorporate Kearney city in Kearney county."

The same having passed the House without amendment.

James W. Moore, Chief Clerk.

The Committee on Corporations to which was referred

H. F. No. 77, "An act to authorize Otoe county to subscribe and take stock in any rail road in Fremont county, Iowa."

Also,

H. F. No. 113, "A bill for an act to incorporate the Peru hydraulic and manufacturing company."

Also,

C. B. No. 54, "An act to incorporate the Fort Calhoun and Iowa ferry company."

Have had the same under consideration and recommend the passage of the first two bills without amendment, and amend C. B. No. 54, by adding the name of "John R. Porter," and recommend its passage as amended. GEO. E. SCOTT.

Report adopted.

The select committee to which was referred

H. F. No. 75, "For an act to provide for the erection of a bridge across Black Bird creek."

With instructions to so amend the bill, as to provide for the assessment of the tax necessary to pay the appropriation proposed by the bill upon the northern counties.

Have had the bill with the instructions under consideration, and beg leave to report that in the opinion of a majority of your committee, such amendment can not be made under our present revenue system. This provides for but four funds, the territorial, county, school and road funds, and prescribes the manner of levying, and limits the rate per cent which may be assessed for each distinct object. It is evident that the fund contemplated by this bill, if limited to a few counties as proposed by the amendment, could not be assigned to any of the funds created by the revenue law, and the adoption of the amendment would involve the necessity of a remodeling of the whole system for those counties, the constituting of a new board of officers to apportion the amount to be raised among the different counties, the adoption of some system by which the fund when collected can be disbursed in accordance with the design of the bill, a change in the form of a tax list required to be made out by the county clerk of each county for the county treasurer, and in fact a change in almost the entire system as far as applicable to the counties proposed to be affected by the amendment, and would complicate and confuse a system which is but just beginning to be understood, and would be establishing one system of revenue for one portion of the Territory and another for the other. Your committee therefore think it impracticable. But it is more. It would be unjust to impose this burden exclusively upon the struggling population of the northern counties, when those in the counties immediately below are equally as much interested, and would be almost, if not quite as much benefitted by the construction of this work as they. It would be a slur upon the citizens resident in other counties to impute to them an unwillingness to assist their weaker neighbors in works of so great necessity and importance.

But a more serious and practicable objection to the amendment proposed is, that the delay which its adoption, even if it were practicable would occasion in the execution of the work would deprive it of all its value. The tax could not be levied and collected if at all under a year from this time, and the fund could not then be made available for the purpose contemplated by this bill for several months thereafter. It would be safe to calculate that two years at least would in the due course of such matters elapse before the fund could be realized and applied to this work. And this being a work of such urgent necessity your committee is of the opinion that such delay would detract much from, if not efficiently destroy the value of this measure.

Your committee therefore report the bill back without amendment and recommend its passage.

Thos. J. Boykin,
Geo. W. Doane.

Laid over under under the rules.

Mr. President:

The minority of your committee to which was referred C. B. No. 36, "A bill for an act to dissolve the bonds of matrimony between R. E. Case and Mary Case."

Having had the same under consideration beg leave to report the following: Your committee are credibly informed that Mr. Case has commenced a suit against his wife to obtain a divorce in the district court of Nemaha county in this Territory, and that said suit is still pending and undetermined in said court, the causes assigned are that the wife has willfully absented herself from her husband for some two or three years, and that she has been guilty of infidelity to her husband, and faithless to the marriage vow. Now if these charges are true in point of fact, a full and complete remedy is given under the divorce act of this Territory, approved January 26th, 1856. If upon the trial of said cause these charges are found to be true the court would immediately enter a decree severing the marital relations between the parties, and giving the possession of the infant children to the father. The practice of granting legislative divorces in meritorious cases not reached by the general law, has obtained to a greater or less extent in several of the states of the Union and in the English parliament, but of late years these applications have been less frequent, and are now but seldom granted. If the Legislature of this Territory had not enacted laws upon the subject of divorce, and invested the courts with jurisdiction, it might exercise the authority at pleasure; but it may well be doubted whether the legislature can or ought to interfere in respect to those causes which have by law been intrusted to the judiciary. This view of the subject is supported by the decisions of the courts in the states of Iowa, Maine, Delaware, Pennsylvania and Kentucky, while in the states of Missouri and Florida it has been held that the legislature have no power under the constitution to grant divorces.

Chancellor Kent in the second volume of his Commentaries make use of the following language: "The question of divorce involves investigations, which are properly of a judicial character, and the jurisdiction over divorces ought to be confined exclusively to the judicial tribunals, under the limitations prescribed by law." In the opinion of the minority of your committee it is peculiarly within the province of courts of equity to decide questions of this character, where the rights of the wife will be protected and neither party can obtain any undue advantage over the other, the wife's right to alimony can be settled and the possession of the infant children given to the party best calculated to educate and maintain them in a proper manner.

The minority of your committee would therefore recommend the indefinite postponement of the bill.

All of which is respectfully submitted.

W. A. LITTLE.

The select committee to which was referred

H. F. No. 20, "An act to incorporate a seminary at Peru."

Have had the same under consideration and recommend its passage with the following amendments, to wit:

Strike out the words "or for the" where they occur in the first line of the second page. In the 6th line, 2d page between the words "any" and "purposes," insert the word "other." In the 7th line, 2d page, strike out the word "to," and insert "shall."

In section 3, first line, after the word "shall" insert the word "have," strike out section 4, and insert as section 4, the following:

SEC. 4. "The seminary, buildings and grounds not exceeding eighty acres, used and occupied as the site of the seminary, together with the library, apparatus and fixtures belonging to and used by said seminary, shall be free from taxation for all purposes whatsoever."

Respectfully submitted. MILLS S. REEVES, Chairman.

Report adopted.

The following notices of bills were given:

By Mr. Little,

Of a bill for an act to confirm the title of William A. Collins, John Sweezy, Randal A. Brown and Henry H. Vischer to certain real estate in the city of Omaha.

By Mr. Furnas,

Of a bill to incorporate the Brownsville, Fort Kearney and Denver city express company.

By Mr. Collier,

Of a bill to establish and organize the county of Wager and locate the county seat thereof.

By Mr. Dundy,

Of a bill to incorporate a bridge and ferry company in Richardson county.

Mr. Scott introduced

C. B. No. 61, "An act to incorporate Platte city in Morton county, Nebraska Territory."

Read first and second times.

On motion,

Referred to the Committee on Corporations.

Mr. Boykin introduced

C. B. No. 62, "A bill for an act to prevent stock from running at large in the territory."

Read first and second time.

On motion,

Referred to the Committee on Agriculture.

Mr. Collier introduced

C. B. No. 63, "A bill to locate and establish a territorial road from Ionia to Fontenelle."

Read first and second time.

On motion,

Referred to the Committee on Highways, Bridges and Ferries.

Mr. Collier introduced

C. B. No. 64, "A bill for an act to authorize Loren F. Hill to keep a ferry across the Missouri river at Ionia."

Read first and second time.

On motion,

Referred to the Committee on Corporations.

Mr. Collier introduced

C. B. No. 65, "A bill to legalize the acts of the corporate authorities of the city of St. Helena."

Read first and second times.

On motion,

Rules suspended,

And read third time by its title,

Passed and title agreed to.

Mr. Dundy introduced

C. B. No. 66, "A bill for an act to establish a ferry across the Missouri river in Richardson county."

Read first and second time.

On motion,

Rules suspended,

And read third time by title,

Passed and title agreed to.

H. F. No. 45, "A bill for an act to authorize Thomas Patterson, William H. Spratlan and G. E. Fleming to keep a ferry across the Missouri river at Rock Bluff city."

Read first and second times.

On motion,

Referred to the Committee on Corporations.

H. F. No. 135, "An act to authorize James McCardle to erect and keep a mill dam across the Great Pappillion creek in Douglas county, N. T."

Read second and third time.

On motion,

Referred to the Committee on Corporations.

C. B. No. 46, "An act to establish a ferry across the great Nemaha river in Richardson county."

Read third time.

On motion,

Passed and title agreed to.

H, F. No. 108, "A bill for an act to fix the times for holding the district court in the counties comprising the second judicial district."

Read third time.

On motion,

Passed, and title agreed to.

H. F. No. 20, "An act to incorporate a seminary at Peru."

Read third time.

On motion,

Passed and title agreed to.

On leave

Mr. Scott made the following report:

The Committee on Corporations to which was referred

C. B. No. 59, "A bill for an act to incorporate the Omaha Savings Institute."

Have had the same under consideration, report it back and recommend its passage.

Geo. E. Scott,
Geo. W. Doane.

Report adopted.

On motion,

The bill was read third time,

Passed and title agreed to.

Mr, Little on leave introduced.

C. B. No. 67, "A bill for an act to prevent trespassing on timber land."

Read first and second time.

On motion,

Referred to the Committee on Agriculture.

The Committee on Elections to which was referred

C. B. No. 55, "A bill for an act to incorporate the ~~city of Fort~~ Calhoun."

Have had the same under consideration, and report it back and recommend its passage.

R. W. Furnas,
J. R. Porter,
E. S. Dundy.

Report adopted.

On leave,

Mr. Doane made the following report:

The undersigned from the Committee on Printing to which was referred

C. B. No. "An act to provide for the publication of general laws in the newspapers of the territory,"

Begs leave to report that in the opinion of the undersigned the general publication of the laws as provided in the bill would involve a very heavy annual expense, without corresponding benefits, the whole object could be accomplished by the publication in a single newspaper of the general laws, and the transmission of a copy of such paper to certain of the officers of each county for reference.

The laws of the last session were published in book form and distributed in a great measure within ninety days after the adjournment of the legislature, and the necessity of an earlier reference would be exceptional, and would be entirely met by the course proposed herein.

The undersigned therefore recommends the following amendments to the bill:

In 1st section strike out "two papers" in the 6th and 7th lines, and insert "one paper," and strike out all after the word "capital" in the 7th line.

In section 2 line 2, strike out "each and every," and insert "the,"

In the 4th section after the word "counties," in the 4th line, insert "which may be directed by the county commissioners."

Add as section 6:

"The publisher of the general laws shall transmit by mail to the probate judge of each organized county in this Territory, six copies of each paper in which any of the general laws may be published under the provisions of this act, within three days after the day of publication, which papers shall be distributed by the probate judge of each county as follows: To the county clerk one copy, to the county treasurer one copy, to the deputy clerk of the district court of said county one copy, to the sheriff one copy, and to the register one copy, and one copy to be reserved by himself, such copies to be preserved in the offices of the officers named for purposes of general reference by any persons interested therein." Respectfully submitted.

GEO. W. DOANE.

Laid over under the rule.

C. B. No. 31, "A bill for an act to appropriate the sum of $3,527 to R. Wood & Co., on account of the late Pawnee expedition."

Together with the reports thereto were taken from the table.

Mr. Doane moved to refer the bill and reports and testimony to a select committee with instructions to report a joint memorial to Congress praying for an appropriation to liquidate the claim of Wood & King provided for in this bill.

Carried.

Messrs. Little, Doane and Scott were appointed said committee.

On leave,

Mr. Dundy introduced

C. B. No. 68, "An act to authorize Jacob M. Davis and A. C. Anderson to establish and keep a toll bridge and ferry across the Great Nemaha river in Richardson county."

Read first and second time,

On motion,

Referred to the Committee on Highways, Bridges and Ferries.

The Committee on Engrossed and Enrolled Bills, respectfully ask leave to report

C. B. No. 27, "Joint resolution for the relief of Justin Davis."

And

C. B. No. 39, "Joint resolution for the relief of George A. Graves."

And

C. B. No. 44, "Joint resolution relative to an exchange of laws and journals."

Are correctly enrolled and have been presented to the Governor for his approval.
MILLS S. REEVES.

C. B. No. 38, "Memorial and joint resolution to the Congress of the United States for a Penitentiary."

Together with the reports thereto were taken from the table.

Mr. Boykin moved the adoption of the majority report.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Cheever, Dundy, Furnas, Porter, Reeves and Scott.—8.

Nays—Messrs. Doane and Little.—2.

Carried.

Mr. Doane moved to amend the bill by striking out the words "Bellevue in Sarpy county."

Ayes and nays demanded.

Ayes—Messrs. Collier, Doane, Little and Scott—4.

Nays—Messrs. Boykin, Cheever, Dundy, Furnas, Porter, Reeves.—6.

Lost.

On motion,

The bill was read the third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Boykin, Collier, Cheever, Dundy, Furnas, Porter, Reeves and Scott.—8.

Nays—Mr. Little.—1.

Bill passed.

On motion,

Title agreed to.

C. B. No. 36, "A bill for an act to dissolve the bonds of matrimony between R. E. Case and Mary Case,"

Together with the reports thereto, were taken from the table.

Mr. Porter moved the adoption of the majority report.

Mr. Little moved the whole subject matter be indefinitely postponed.

Call of the Council demanded.

Mr. Cheever absent.

On motion,

All further proceedings under the call dispensed with.

Ayes and nays demanded upon the motion to indefinitely postpone.

Ayes—Messrs. Cheever, Doane, Little and Reeves.—4.

Nays—Messrs. Boykin, Collier, Dundy, Furnas, Porter, Scott.—6.

Lost.

Mr. Cheever moved to adjourn until 3 o'clock P. M. on Tuesday next.

Lost.

Question recurring upon the adoption of the majority report,

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Dundy, Furnas, Porter, Scott.—6.
Nays—Messrs. Cheever, Doane, Little and Reeves.—4.

Carried.

Mr. Doane moved to recommit the bill to the Committee on the Judiciary, with instructions to amend by providing that this act shall not deprive Mrs. Case of any legal rights acquired by virtue of her marriage with Mr. Case.

Lost.

On motion,

Bill read third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Boykin, Collier, Dundy, Furnas, Porter, Scott.—6.
Nays—Messrs. Cheever, Doane, Little and Reeves.—4.

Bill passed.

On motion,

Title agreed to.

H. F. No. 54, "An act to authorize Silas Babcock to erect a mill dam across Long Branch."

Together with the report thereto was taken from the table.

On motion,

Report adopted.

On motion,

The bill was read third time.

Passed and title agreed to.

C. B. No. 28, "A bill for an act to provide for the payment of the interest on the public debt, and the redemption of territorial warrants,"

And

C. B. No. 35, "An act to provide for the payment of territorial warrants."

Together with the substitute and reports thereto, were taken from the table.

On motion of Mr. Doane,

The whole subject matter was laid upon the table and made the special order in Committee of the Whole on Thursday next.

On motion of Mr. Doane,

The Council adjourned until Tuesday next at 3 o'clock P. M.

S. M. Curran, Chief Clerk.

COUNCIL CHAMBER,
Tuesday, January 3d, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Message from the House:

HOUSE OF REPRESENTATIVES,
Tuesday, January 3d, 1860.

Mr. President:

I am instructed to inform your Honorable Body that the House have passed

H. F. No. 27, "An act to regulate the rate of interest on money, and on contracts.
J. W. MOORE, Chief Clerk.

Mr. President:

Your Committee on Corporations to whom was referred

C. B. No, 64, entitled a bill for "An act authorizing Loren T. Hill to keep a ferry across the Missouri river at Ionia in Dixon county, Nebraska Territory."

Also,

C. B. No. 61, entitled "An act to incorporate Platte city in Morton county, Nebraska Territory."

Also,

H. F, No. 45 entitled a bill for "An act to authorize Thomas Patterson, Wm. H. Spratlen and G. E. Fleming to keep a ferry on the Missouri river at Rock Bluffs city."

Also,

H. F. No. 135, entitled "An act to authorize James H. McCardle, to erect and keep a mill dam across the Great Pappillion creek in Douglas county, N. T."

Have had the same under consideration and beg leave to report the same back to the Council and respectfully recommend their passage.
GEO. E. SCOTT, Chairman.

Report adopted.

The Committee on Engrossed and Enrolled Bills ask leave to report that

C. B. No. "Joint resolution relative to slavery is correctly engrossed."

Also,

C. B. No. 52, "An act to incorporate Kearney city in Kearney county."

Also,

C. B. No. 16, "An act to incorporate the town of Table Rock."

Also,

C. B. No. 40, "A bill for an act to incorporate the Brownville hydraulic gas light and coke company."

Are correctly enrolled.
M. S. REEVES.

Your committee to whom was referred

C. B. No. 67, "To prevent trespassing on timber lands,"

Have had the same under consideration, and report it back without amendment, and recommend its passage.

Also,

C. B. No. 62, "An act to prevent stock from running at large in the territory."

Have had the same under consideration, and report it back without amendment and recommend its passage.

T. J. Boykin,
J. R. Porter,
M. S. Reeves,
Committee on Agriculture.

Report adopted.

The minority of your select committee to whom was referred

H. F. No. 75, "A bill for an act appropriating one thousand dollars to erect a bridge across Black Bird creek on the Omaha reservation,"

Respectfully report.

That having carefully considered the subject I am compelled to dissent from the views of the majority. Appropriations of money for the advancement of works of internal improvement either by general, state or territorial government has always been considered of very doubtful policy, and wherever a different sentiment has obtained, and where works of apparent public necessity have been constructed from the treasury of a state, the wisdom of this policy has been clearly vindicated.

There is scarcely one of the northwestern states but affords ample evidence of the folly of departing from this doctrine. It is unnecessary in the limits of a brief report to specify particulars. Too many are within the reach of the intelligence of every member of this body. And although the amount asked for in this instance is small, yet the principle is the same; and the precedent sought here to be established is far more to be dreaded that the mere appropriation of the thousand dollars.

It would be the opening of a flood gate through which the very life blood of the Territory might be poured. If this appropriation be granted it will prove but the beginning of the end.

Your committee is knowing to the fact that similar favors to the amount of thirty-nine thousand dollars will be asked of this Legislature the moment this appropriation is granted; from every portion of the Territory would they pour in rapidly, and be sustained by arguments equally as strong as are used to secure the success of this measure. For we must confess there is nothing in the peculiar nature of this case to make it an exception to a general rule. The money is proposed to be appropriated upon a road on which the general government has already expended thirty thousand dollars, and upon an Indian reservation. I am credibly informed that there is no road in the Territory better improved, and that the stream to be bridged is no larger than many others which have been bridged in other portions of the Territory by the private enterprise of those directly interested.

But there is another consideration, the minority of your committee would urge in no sectional spirit, however, upon the attention of this Council. It is too well known that hitherto local jealousies and strifes have done much to mar the peace and social relations of our citizens in different sections of the Territory. It has been charged that the northern portion of the Territory has received much more than its share of the patronage bestowed by general government; that thousands of dollars have been expended in the construction of public highways and bridges, and in the furtherance of other enterprises which have added much to the wealth and comfort of North Platte. While the less favored, but equally meritorious regions south of the Platte, have had to depend entirely upon their own resources, without even a smile from abroad to cheer them in their efforts, absolutely nothing has been done in the way of appropriations for South Platte enterprises, either by the general government or by the Territory. At the last session of the Legislature an appropriation of $500 was made out of the Territorial Treasury, for the purpose of repairing a bridge north of the Platte, on a government road, and which there is abundant reason to believe was in no wise advantageously spent, to say the least. If the present appropriations be granted, North Platte will have drawn nearly every dollar she has ever paid into the Territorial Treasury, and expended it upon work of internal improvements beneficial only to that section of the Territory. While South Platte neglected as before mentioned, is necessarily paying an undue proportion of Territorial expenses.

It is needless to disguise the fact that an intense jealousy has been the result in times past. But we are happy to know, and state that this feeling is rapidly dying away; a better feeling is beginning to pervade the ranks of our people; a feeling of brotherhood which embraces the residents of all portions of the Territory. Let nothing be done by this Legislature to check the growth of this new and better feeling. Fearing this may be done, the minority of your committee urge upon the Council to consider, well all of the effects of the passage of this bill. Its passage should be deprecated as a violation of sound policy; as the establishment of a precedent which may engulph us in ruin and bankrupcy in the future; and as adding fuel to the dying flames of a sectual fire, whose baneful light has revealed the mournful spectacle of people divided in the best and purest relations of life.

The minority of your committee in compliance with the instructions of the Council, report the following amendment to the bill.

Respectfully submitted. R. W. Furnas.

Strike out all after the enacting clause and insert in place thereof the following:

"That the county commissioners in each of the counties of Burt, Washington, Dakota, Cedar, Dixon and L'eau-qui-Court, be and are hereby authorized to levy and collect jointly a tax sufficient to erect a bridge across Black Bird creek, at a point where the government road crosses the same.

Sec. 2. Should the said county commissioners determine to levy said tax, the amount to be levied and collected shall be apportioned to each county, in proportion to the amount of taxable property in each.

§ 3. This act to take effect and be in force from and after its passage.

On motion,

The report was laid upon the table to be acted upon when the majority report on the same subject matter was taken from the table.

The Committee on Finance, Ways and Means, have had under consideration,

C. B. No. 56, "A bill for an act to exempt certain personal property from taxation."

And respectfully recommend its passage.

M. S. Reeves, Chairman.

Report laid over under the rules.

Mr. Scott introduced

C. B. No. 69, "A bill for an act to provide for the copying, indexing and proof reading the journals and laws passed at the sixth session of the Legislature of Nebraska, during the year 1859-1860.

Read first and second time,

And

Referred to Committee on Finance.

Mr. Collier introduced

C. B. No. 70, "A bill for an act to define the boundaries and locate the seat of justice of Wager county."

Read first and second time.

And referred to the Committee on Counties.

Mr. Reeves introduced

C. B. No. 71, "A bill for an act to amend the liquor law."

Read first and second time.

And referred to the Committee on Judiciary.

Mr. Boykin introduced

C. B. No. 72, "A bill for an act to protect game in the Territory of Nebraska."

Read first and second time.

And referred to the Committee on Agriculture.

Mr. Doane introduced

C. B. No. 73, "A bill for an act to provide a clerk of the probate court."

Read the first and second time.

And referred to Committee on Judiciary.

Mr. Doane introduced

C. B. No. 74, "A bill for an act to provide the fees of the clerk of probate,"

Read first and second time.

On motion,

Referred to the Committee on Judiciary.

Mr. Dundy introduced

C. B. No. 75, "A bill for an act entitled an act to repeal an act for the charter of a bank to be located in Omaha city, Douglas county, N. T., to be called the Bank of Nebraska."

Read first and second times.

And referred to the Committee on Judiciary.

Message from the House:

House of Representatives,
Tuesday, Jan. 3d, 1860.

Mr. President:

I am instructed to return to your honorable body

C. B. No. 58, "Joint resolution for the prohibition of slavery."

The same having passed the House with the amendments appended thereto, and to respectfully request the concurrence of your honorable body. J. W. Moore, Chief Clerk.

Mr. Dundy introduced

C. B. No. 76, "An act to provide for the service of process in justices' courts by publication in newspapers."

Read first and second time.

And referred to the Committee on Judiciary.

C. B. No. 62, "A bill for an act to prevent stock from running at large in Nebraska Territory."

Read the third time.

Ayes and nays demanded upon its passage:

Ayes—Messrs. Boykin and Porter.—2.

Nays—Messrs. Collier, Cheever, Doane, Dundy, Furnas, Little, Reeves, Scott.—8.

Lost.

Message from the Executive:

Executive Chamber,
Omaha, Jan. 3d, 1860.

To the Council:

Mr. President:

I am instructed by the governor to inform your honorable body, that he has signed and approved the following:

"Joint resolution for the relief of Geo. A. Graves."

"Joint resolution for the relief of Justin Davis."

"Joint resolution requesting the Governor to negotiate with the Governors of the several states and territories, relative to an exchange of laws and journals." John McConihe,
Private Secretary.

C. B. No. 55, "An act to amend an act entitled 'An act to incorporate the city of Fort Calhoun, Nebraska."

Read the third time.

Passed and title agreed to.

H. F. No. 113, "A bill for an act to incorporate the Peru hydraulic manufacturing company."

Read the third time.

Passed and title agreed to.

H. F. No. 135, "An act to authorize James H. McCardle to erect and keep a mill dam across the Great Pappillon creek, in Douglas county, N. T."

Read third time.

Passed and title agreed to.

H. F. No. 45, "A bill for an act to authorize Thomas Patterson, Wm. H. Spratlen and G. E. Fleming to keep a ferry on the Missouri river at Rock Bluffs city."

Read third time.

Passed and title agreed to.

C. B. No. 61, "An act to incorporate Platte city in Morton county, Nebraska Territory."

Read third time.

Passed and title agreed to.

C. B. No. 64, "A bill for an act to authorize Loren T. Hill to keep a ferry across the Missouri river at Ionia in Dixon county, N. T."

Read third time.

And on motion,

Passed and title agreed to.

H. F. No. 77, "An act to authorize Otoe county to subscribe and take stock in any rail road in Fremont county, Iowa."

On motion of Mr. Doane,

It was recommitted to Otoe delegation.

C. B. No. 58, "Joint resolution for the prohibition of slavery."

Together with the amendments of the House was taken from the table.

Mr. Furnas moved the Council concur in the amendments of the House.

Ayes and nays demanded:

Ayes—Messrs. Boykin, Cheever, Doane, Dundy, Furnas, Porter, Reeves. —7.

Nays—Messrs. Collier, Little, Scott.—3.

Carried.

On leave,

Mr. Dundy reported back

C. B. No. 63, "A bill to locate and establish a territorial road from Ionia to Fontenelle,"

From Committee on Highways and Bridges and Ferries, and recommend its passage.

Report adopted.

On motion,

The bill was read a third time by its title.

Passed and title agreed to.

On leave,

Mr. Furnas made the following report:

To the Council and House of Representatives of the Territory of Nebraska:

In obedience to the requirements of the law creating the Territorial Board of Agriculture, I hereby present the First Annual Report of the Board.

When the infancy of the Territory, and everything connected therewith is taken into consideration, together with the fact that there is yet no means by which Agricultural Statistics can be obtained, it will not be surprising that the first report prove quite meagre indeed.

Agreeable to the provisions of the law above mentioned, the board organized in the city of Omaha, on the 30th of October, 1858. The detailed proceedings of that and subsequent meetings are herewith submitted.

The board held the First Territorial Fair at Nebraska city, September 21, 22 and 23, 1859. The List of Premiums offered and awarded, together with the Annual Address, delivered by Hon. J. Sterling Morton, are also herewith submitted as a part of this report.

In the first territorial exhibition the board had many difficulties to encounter, owing principally to the excessive hard times prevalent throughout the west. The result, however, was far from discouraging to the friends of agriculture and mechanism in the Territory. The display in the various departments of agriculture, manufactures, arts, stock, &c., was highly creditable; and although limited in number were unsurpassed in quality especially as to horses, cattle, swine, grain and vegetables. That the utility of such exhibitions are not overrated even in this new country, was fully manifested from the interest and general satisfaction expressed by the very respectable concourse of citizens in attendance from the various portions of the Territory, and in fact from abroad. The board feel flattered that with the experience now obtained and the spirit aroused, they will be able another year to bring forward such an exhibition of our agricultural products as will infuse into our people a spirit of emulation and improvement that can not fail to result beneficially to an incalculable extent.

The treasurer's account shows a deficiency in the finances of the board, arising from the fact that the receipts of the fair were not sufficient to pay the premiums awarded. Nebraska, agriculturally, is a heaven-favored country, and must look principally to her agricultural developments for her future wealth, position and importance. I earnestly suggest that your honorable body could do much for the Territory by appropriating sufficient funds from the treasury to relieve the board from its present embarrassment, and also annually appropriate a few hundred dollars to assist in offering more liberal premiums, and thus increasing an agricultural zeal, which can but result in the greatest good.

It is further suggested that a law requiring the annual collection and publication of agricultural statistics, would result most beneficially to the Territory.

There are now county societies organized in the counties of Nemaha, Otoe, Cass, Douglas, Washington and Dakotah, and which have held from one to three annual fairs, and I am informed are in a prosperous condition. I regret to say, however, but one, Nemaha, have reported to the Territorial Board, which report is herewith found.

As intelligent farmers everywhere now understand that there exists an intimate connection between chemistry, geology and agriculture, the time is near if not quite at hand, when a scientific agricultural survey of the territory is demanded, with reference to the character and improvement of the soil, and the products best suited to the different varieties of soil found in Nebraska.

As the pursuit of agriculture already engages the attention of four-fifths of our population, and is intimately interwoven with the interests of all classes, its prosperity giving life and energy to all other pursuits, the true basis of wealth and upon which commerce, art and manufactures depend for existence, to give it aid and encouragement is most certainly sound policy, dictated by common sense and perfectly obvious to every intelligent mind.

Respectfully submitted, R. W. Furnas, Pres't
Ter. Board of Agriculture.

Territorial Board of Agriculture.

Officers.—R. W. Furnas, Brownville, President; A. D. Jones, Omaha, Secretary; J. M. Thayer, Omaha, Treasurer.

Board of Managers.—E. H. Chaplin of Douglas county; M. S. Reeves of Otoe county; Harland Baird of Dakota county; Broad Cole of Cass county; Chris. Bobst of Pawnee county.

Members.—Thomas Gibson of Dodge county, 1 year; Harrison Johnson of Douglas county, 2 years; J. T. Griffin of Douglas county, 2 years; A. D. Jones of Douglas county, 2 years; E. Estabrook of Douglas county, 1 year; E. H. Chaplin of Douglas county, 2 years; J. M. Thayer of Douglas county, 1 year; Christian Bobst of Pawnee county, 1 year; R. W. Furnas of Nemaha county, 2 years; Jesse Cole of Nemaha county, 2 years; S. A. Chambers of Nemaha county, 2 years; Jerome Hoover of Nemaha county, 1 year; Mills S. Reeves of Otoe county, 1 year; Broad Cole of Cass county, 1 year; J. C. Lincoln of Richardson county, 2 years; Harlan Baird of Dakota county, 1 year.

Proceedings of the Territorial Board of Agriculture.

At a meeting of a majority of the Territorial Board of Agriculture, held at the Herndon House, in the city of Omaha, on Saturday the 30th day of October, in pursuance of a call of the majority of said board, as provided for in the fifth section of the act passed at the present session of the Legislative Assembly making provision for the organization of said board.

On motion,

Gen. J. M. Thayer was called to the chair, and A. D. Jones chosen secretary.

On motion,

Said board proceeded to the election of permanent officers for the ensuing year, which resulted as follows: President—R. W. Furnas; Secretary—A. D. Jones; Treasurer—J. M. Thayer.

On motion,

It was agreed upon to elect a Board of Managers consisting of five members, and the election ordered resulting in the following selection:

E. H. Chaplain of Douglas; H. Baird of Dakota; M. S. Reeves of Otoe; Broad Cole of Cass; C. Bobst of Pawnee.

On motion,

Ordered that the Board of Agriculture proceed to determine by lot the time that each member of said board shall serve, which was accordingly done and allotted to

Thomas Gibson, 1 year; E. Estabrook, 1 year; J. M. Thayer, 1 year; C. Bobst, 1 year; J. Hoover, 1 year; M. S. Reeves, 1 year; Broad Cole, 1 year; H. Baird, 1 year; H. Johnson, 2 years; A. D. Jones, 2 years; R. W. Furnas, 2 years; J. Cole, 2 years; S. A. Chambers, 2 years; J. C. Lincoln, 2 years; J. T. Griffin, 2 years; E. H. Chaplin, 2 years.

On motion,

Resolved, That this shall be considered the First Annual Meeting of the Territorial Board of Agriculture for the transaction of business pertaining to the interest and advancement of said board.

On motion,

Ordered, That the First Annual Fair shall be held three days in succession, commencing on the third Wednesday in September, 1859.

On motion,

Ordered, That the President be authorized and directed to solicit propositions from the different counties as inducements for naming the place to be stipulated by the correspondence for holding the Territorial Fair, and that the citizens of the county offering the largest donations, privileges and best accommodations, shall be considered entitled to name the place where said fair shall be held at the above stated time.

On motion,

Ordered, That the Secretary is hereby empowered and directed to engage the services of an orator to deliver the address at the First Territorial Fair.

On motion,

Ordered, That the President and Secretary are hereby appointed a committee to draft By-Laws for the government of the Board of Agriculture, and also, report and publish such list of premiums as they may deem advisable in behalf and for said Board.

On motion,

Ordered, That all the County Agricultural Societies now or hereafter organized, be requested to make arrangements immediately to unite with this Territorial Board under the favorable auspices of an excellent general law passed for the benefit and advancement of the agriculturist.

On motion,

Ordered, That all the newspapers in the Territory be requested to publish these proceedings and the law.

J. M. Thayer, Chairman.
A. D. Jones, Secretary.

Rules and Regulations for the Fair.

Exhibitors are required to have their articles entered on the books at the business office, before they are placed within the enclosure. On the entry of the articles and animals, cards will be furnished with the number and class, as entered at the office, which are to be placed on the animal or article to be exhibited. No article exhibited shall be removed before the close of the exhibition, without the permission of some member of the Executive Committee. Every exhibitor should have his articles on the grounds on the 22d, if possible, and if delayed beyond 12 o'clock M., on the 23d, they can not come in competition for premiums.

Applicants for premiums should pay particular attention to the requirements for Fat Cattle, Milch Cows, Fat Sheep, Plows, Butter, Cheese, Honey, Sugar, &c.

For premiums in the class of Horses and Cattle, open to all, as well as foreign horses and cattle, it is expected different breeds of animals will be brought into competition with each other. The awards to be made in favor of the animals which approach the *nearest to the standard of perfection for their various breeds and classes.*

Judges.—The Judges will repair to the business office immediately after being appointed, receive instructions and enter upon the discharge of their duties. They are requested to make their reports to the Secretary, at the business office, as early as practicable. The reports should all be made by 4 o'clock P. M., on the 24th.

Instructions to Judges.—The Judges on animals will have regard to the symmetry, early maturity, size and general characteristics of the breeds which they judge. They will make proper allowances for age, feeding, and other circumstances of the character and condition of the animals. *They are expressly required not to give encouragement to over fed animals.* No premiums are to be awarded to Bulls, Cows or Heifers, which shall appear to have been fattened for the butcher; the object being to have superior animals of this description for breeding.

No person whatever will be allowed to interfere with the Judges during their adjudications.

The Judges on Stock, if not satisfied as to the regularity of the entries in their respective classes, will apply to the Secretary for information; and should there be any doubt, after examination, of their coming within the regulations, or, if any animal is of such a character as not to be entitled to exhibition in competition, they will report the fact to the Executive Committee, that such course may be adopted as the case may require.

Fat Cattle.—The Judges on Fat Cattle will give particular attention to the animals submitted to examination. It is believed, that all other things being equal, those are the best cattle that have the greatest weight in the smallest superfices. The Judges will require all the cattle in this class to be weighed, and will take measures to give the superfices of each, and publish the result in their report. *They will also (before awarding any premium) require of the competitors full statements as to the manner and cost of feeding, as required by the regulation of the premium list.*

General Rules Applicable to Animals—When there is but one exhibitor, although he may show several animals in a class, only one premium will be awarded ;—that is to be first, or otherwise, as the merits of the animal may be adjudged. *A premium will not be awarded* when the animal is not worthy, though there be no competition.

Reports.—The Judges (especially those on animals) will be expected to give the *reasons of their decisions;* embracing the valuable and desirable qualities of the animals or articles to which premiums are awarded.

Discretionary Premiums.—No viewing committee, with the exception of the Miscellaneous, shall award any discretionary premiums, without the previous permission of the Board, expressed through the President. Whenever, however, articles of merit, superior in their character, are presented, and which are entitled to special commendation, the judges are desired to notice them particularly, and refer them to the consideration of the Board.

Reports of Judges.—The Reports of the Judges will be read immediately after the Address, and the premiums will be paid next day, at the office room of the Board.

☞ It has been found impracticable to appoint the Awarding Committees before the commencement of the Fair. They will, therefore, be appointed on the first day of the Fair.

The press throughout the Territory and the West, are respectfully invited to notice the time of holding the Territorial Fair, and give such additional editorial notice as will call the attention of their readers to the subject.

List of Premiums

To be awarded at the first Nebraska Territorial Fair, to be held at Nebraska city, on the 21st, 22d and 23d of September, 1859, under the direction of the Nebraska Territorial Board of Agriculture.

PREMIUMS ON CATTLE.

Short Horns:

Best bull over 3 years old,	$10
2d do do	5
Best 2 year old bull,	8
2d do do	4
Best 1 year old bull,	6
2d do do	3
Best bull calf,	3
2d do	2

(Females same).

Devons:

Best bull over 3 years,	10
2d do do	5
Best bull over 2 years,	8
2d do do	4
Best bull over 1 year,	6
2d do do	3
Best bull calf,	5
2d do	2

(Females same).

Native and Cross between Native and Improved Cattle:

Best cow over 3 years,	$5
2d best do	3
Best heifer 2 years,	4
2d best do	2
Best heifer 1 year,	3
2d best do	2
Best calf,	2
(Males same).	

Working Oxen and Steers:

Best ten yoke of oxen from one county,	20
2d best do do	10
Best yoke of oxen over 4 years,	5
2d do do	3
Best yoke of oxen under 4 years,	4
2d best do do	2

Fat Cattle, of any Breed:

Best pair fat cattle over 4 years, size and quality considered.	10
do fat bullock 5 years, or over,	8
do do 4 and under 5,	6
do do 3 do 4,	5
do do 2 do 3,	4
do do 1 do 2,	3
do cow 4 years old,	4
do do under 4 and over 3 years old,	2

Grass Fed Fat Cattle—(for Beef):

Best pair grass fed fat cattle, 4 years or over, size and quality considered,	5
Best pair fat bullocks 5 years or over,	4
do do 4 years and over,	3
do do 4 do	2
do do 2 do	2
do do 1 do	1

Grass Fed Fat Cows:

Best cow 5 years or over,	4
do do 3 do	2

Milch Cows:

Best milch cow,	10
2d best do	5

FOREIGN CATTLE.

Premiums for Stock from other Territories or States:

Best bull over 3 years, of any breed,	Dip.
2d best do do do	do
Best bull 2 years old,	do
2d best do	do
Best bull 1 year old,	do

2d best bull one year old,	Dip.
Best cow over 5 years old,	do
2d best do do	do
Best heifer 2 years old,	do
2d best do do	do
Best heifer 1 year old,	do
2d best do do	do

Sweepstakes—(Premiums open to all):

Best bull over 3 years old, a cup of the value of	$8
do 2 do do do	8
do 1 do do do	8
Best cow over 3 do do do	8
heifer over 2 years old, do do	8
do 1 do do do	8
calf, do do	8

HORSES.

Blood Horses:

Best stallion over 4 years old,	15
2d best do do	7
Best brood mare over 4 years old,	10
2d best do do	5
Best stallion colt over 3 years old,	6
2d best do do	3
Best filly over 3 years old,	4
2d best do do	2
Best stallion colt over 2 years old,	4
2d best do do	2
Best filly over 2 years old,	4
3d best do do	2
Best stallion colt over 1 year old,	4
2d best do do	2
Best mare colt over 1 year old,	4
2d best do do	2

Horses of all Work:

Best stallion of all work, over 4 years old,	10
2d best do do do	5
Best brood mare, and foal by her side, 4 years old,	10
2d best do do do	5
Best mare or gelding,	5

Draught Horses:

Best stallion for draught, more than 4 years,	10
2d best do do do	5
Best mare or gelding for draught, more than 4 years old,	5

Matched Horses and Geldings:

Best pair of matched horses,	10
2d best do	5

Geldings and Mares:

Best gelding for light harness,	$5
2d best do do	3
Best gelding for saddle,	5
2d best do	2
Best mare for light harness,	5
2d best do	3
Best mare for saddle,	5
2d best do	3

Jacks and Mules:

Best jack,	20
2d best jack,	10
Best jennet,	5
2d best jennet,	2
Best pair of mules 3 years old and over,	15
2d best do do	7
Best single mule over 2 years old,	5
2d best do do	5
Best single mule over 1 year old,	5
2d best do do	2
Best mule colt,	4
2d best do	2

Premiums on Horses from other Territories or States:

Best stallion over 4 years old,	Dip.
2d best do do	do
Best brood mare,	do
2d best do	do

Horses, Jacks and Mules—(Open to all):

Best stallion,	Siver Medal.
jack,	do
brood mare,	do
jennet,	do

PREMIUMS ON SHEEP.

Of any Breed except next class:

Best buck over two years old,	$4
2d best do do	2
Best buck under 2 years old,	4
2d best do do	2
Best pen of 5 ewes over 2 years old,	4
2d best do do	2
Best pen of 5 ewes under 2 years old,	4
2d best do do	2
Best pen of 5 ewe lambs,	3
2d best do do	1

Merinoes and Saxons:

Best buck over 2 years old,	$5
2d best do do	3
Best buck under 2 years old,	5
2d best do do	2
Best pen of 5 ewes over 2 years old,	5
2d best do do	2
Best pen of 5 ewes under 2 years old,	5
2d best do do	2
Best pen of 5 ewe lambs under 2 years old,	4
2d best do do do	2

Fat Sheep:

Best fat sheep, over 3 years old,	2
2d best do do	1
Best fat sheep, 2 years or under,	2
2d best do do	1

FOREIGN SHEEP.

Premiums for Sheep from other Territories or States—(Long Wooled):

Best buck,	do
Best pen of 5 ewes,	do
do 5 lambs,	do
do 5 ewe lambs,	do

Middle Wooled:

Best buck,	do
Best pen of 5 ewes,	do
do 5 buck lambs,	do
do 5 ewe lambs,	do

Merinoes and their Grades:

Best buck,	do
Best pen of 5 ewes,	do
do 5 buck lambs,	do
do 5 ewe lambs.	do

Saxons and their Grades:

Best buck,	do
Best pen of 5 ewes,	do
do 5 buck lambs,	do
do 5 ewe lambs,	do

Sheep—Premiums open to all:

Best long wooled buck,	do
do middle wooled buck,	do
do Merino buck,	do
do Saxon buck,	do
do pen of 5 ewes, long wooled,	do
do pen of 5 ewes, middle wooled,	do
do pen of 5 ewes, Merinoes,	do

Best pen of 5 ewes, Saxons,	Dip.
do pen of 5 buck lambs,	do
do pen of 5 ewe lambs,	do

Shepherd's Dog—(Open to all):

Best Shepherd's dog,	Dip. and $4
2d best do	2

SWINE.

Best boar over 2 years old,	5
2d best do do	2
Best boar 1 year old,	5
2d best do	2
Best boar 6 months, and under 1 year,	4
2d best do do	2
Best breeding sow over 2 years,	5
2d best do do	2
Best breeding sow 1 year old,	5
2d best do do	2
Best sow 6 months, and under 1 year,	4
2d best do do do	2
Best lot of pigs not less than 5 and under 10 months,	5
2d best do do do	2

General Rules Applicable to Animals.—Where there is but one exhibitor, although he may show several animals in any class, or subdivision of a class, *only one premium* will be awarded—that to be the first, or otherwise, as the merit of the animal may be adjudged by the committee; and a premium will not be awarded where the animal is not worthy, though there be no competition.

POULTRY—(*Open to all*).

Best lot of Dorkings, not less than 3—1 cock and 2 hens,	Dip.
do Polands,	do
Best pair of wild turkies,	do
do turkies,	do
do shanghais,	do
Best lot of any distinct breed,	do
do game cocks and hens,	do
Best pair of Silesian ducks,	do
do lot of small ducks,	do
do do Guinea hens, not less than 6,	do
do pair of China geese,	do
do do large geese,	do
do do pair wild geese,	do
do lot of poultry, owned by exhibitor (statement to be furnished verified),	do
do exhibition of pigeons,	do

FARM IMPLEMENTS.

Plows—(Open to all):

Best prairie plow,	Dip. and	$5
do for general purposes,	do	5
do for light sandy soils,	do	5
do steel plow,	do	5
do side hill plow,	do	5

The manner of construction, materials, workmanship, durability and price to be considered; also their capacity for lifting and turning over, in the most perfect manner, the greatest quantity of soil or sod, with the least resistance, and leaving a proper surface for seed and after-culture.

Best farm wagon for all purposes,	Dip. and	$5
do spring wagon for marketing purposes,	do	5
do reaping machines,	do	5
do mowing machine,	do	5
do corn stalk roller and cutter,	do	5
do horse power for general purposes,	do	5
do threshing machine,	do	5
do portable saw mill,	do	5
do corn and cob mill,	do	5
do hemp and flax dressing machine,	do	5
do harrow,	do	5
do clod crusher and roller combined,	do	2
do field roller,	do	2
do wheat drill not less than six drills,	do	2
do broad cast sowing machine,	do	2
do horse rake,	do	2
do corn planter,	do	2
do seed planter for hand or horse power,	do	2
do wheat cultivator—two horses,	do	2
do corn cultivator—one horse,	do	2
do fanning mill,	do	2
do clover seed hulling machine,	do	2
do machine for crushing Chinese sugar cane,	do	3
do corn sheller for horse power,	do	3
do corn sheller for hand power,	do	2
do straw and hay cutter,	do	3
do corn stalk cutter,	do	2
do vegetable [root] cutter,	do	2
do churn,	do	2
do cheese press	do	2
do bee hive	do	2
do washing machine,	do	2

Implements and manufactured Wares—(Open to all):

Best grain cradle,	do	2
do hand rake,	do	1
do hay fork,	do	1

Best grass scythe,	Dip. and	$1
do cradle scythe,	do	1
do manure fork,	do	1
do lot of grain measures,	do	1
do lot of butter tubs and firkins,	do	1
do wash board,	do	½
do one dozen corn brooms,	do	1
do plow harness,	do	2
do wagon harness for farm,	do	2
do carriage harness,	do	5
do saddle and bridle for general purposes,	do	5
do axes,	do	5
do and most numerous variety of agricultural implements,	do	15
do and most numerous variety of agricultural implements, manufactured in the territory, by the exhibitor, or under his supervision, materials, workmanship, utility, durability and prices to be considered in both cases,	do	20

PLOWING MATCH—(*Open to all*).

First premium,	5
2d do	3

Boys under sixteen years of age:

First premium,	5
2d do	3

WOOL—(*Open to all*).

Best fleece of fine wool,	Dip. and	5
2d best fleece of fine wool,	do	3

To be exhibited by the grower.

Best fleece coarse wool,	do	1
2d best fleece of coarse wool,	do	½

SALT.

Best sample,	do	5
2d best sample,	do	2

To be exhibited by the maker.

FLOUR.

Best sack (Nebraska manufactured),	do	3
2d best do do	do	3

PREMIUMS ON BUTTER, BREAD AND HAMS.

Butter:

Best lot of ten pounds in rolls, made at any time,	3
2d best do do do	2

Best lot, not less than 25 pounds, made in May or June,	$3
2d best do do do do	2
Best tub of firkin, not less than 50 pounds, made at any time,	3
2d best do do do do	2

The competitors must state, in writing, the time when it was made; the number of cows, and whether any other food than grass was given them; the treatment of the milk before churning; mode of churning and freeing the butter from the milk; the quantity and kind of salt used, and whether saltpetre or any other substance has been employed.

Nebraska Bread:

Best ten loaves,	$2
2d best do	1

Nebraska Hams:

Best six hams,	2
2d best do	1

Nebraska Cheese:

Best cheese, one year old and over,	3
2d best do do	2
Best cheese, under one year old,	3
2d best do do	2
Best cream cheese (manufacturer to state the process),	2
Best pine apple cheese, do do	1

Competitors must state, in writing, the time it was made; the number of cows kept; whether the cheese was made from one, two, or more milkings; whether any addition is made of cream; the quantity of rennet used, and the mode of preparing it; the mode of pressure, and the treatment of the cheese afterwards.

HONEY AND SUGAR.

Honey:

Best ten pounds,	$2
2d best do	1

The honey to be taken up without destroying the bees. Kind of hive to be specified.

Sugar:

Best ten pounds cane sugar,	$2
2d best do do	1
Best gallon cane molasses,	2
2d best do do	1

The process of manufacturing and clarifying to be stated in writing.

DOMESTIC MANUFACTURES.

Best ten yards woolen cloth, made in Nebraska,	$5
2d best do do do	2
Best ten yards satinet, do	4
2d best do do do	2

Best ten yards jeans,	$2
2d best do	1
Best pair woolen blankets,	4
2d best do	2
Best ten yards flannel,	4
2d best do	2
Best woolen carpet, 15 yards	4
2d best do do	2
Best ten yards linen,	2
2d best do	2
Best hearth rug,	1
2d best do	Dip.
Best rag carpet, 15 yards,	$2
2d best do do	Dip.
Best double carpet coverlet,	$2
2d best do do	Dip.
Best pair woolen knit stockings,	0.50
2d best do do	Dip.
Best pair cotton wove stockings,	0.50
2d best do do	Dip.
Best pair linen knit stockings,	0.50
2d best do do	Dip.
Best pair cotton knit stockings,	0.50
2d best pair of cotton knit stockings,	Dip.
Best pair of linen wove stockings,	0.50
2d best do do	Dip.
Best pound linen sewing thread,	0.50
2d best do do	Dip.
Best pair of woolen fringe mittens,	0.50
2d best do do	Dip.

Discretionary premiums will be awarded on articles not included in the above list.

AMERICAN MANUFACTURES—(*Open to all*).

Best piece of black broadcloth, not less than ten yards,	Dip.
do blue broadcloth do	do
do woolen carpet, not less than ten yards,	do
do satinet, ten yards,	do
do cotton shirting, bleached, ten dollars,	do
do do unbleached do	do
do oil cloth, ten yards,	do
do prints, do	do
do Mousselin de Laines, ten yards,	do
do black broadcloth, from American Wool, ten yards,	do
do blue do do do	do

Diplomas will be awarded for articles of merit, not included in the above list.

NEEDLE, SHELL AND WAX WORK.

Best ornamental needle work,	Dip.
do ottoman cover,	do
do table cover,	do
do group of flowers,	do
do variety of worsted work,	do
do fancy chair work with needle,	do
do worked cushion and back,	do
do worked collar and handerchief,	do
do woolen shawl,	do
2d best do	do
Best worked quilt,	do
do white quilts,	do
do silk patch work quilts,	do
do port folios worked,	do
do silk bonnets,	do
do straw bonnets,	do
do lace capes,	do
do lamp-stand mats,	do
2d best do	do
Best ornamental shell work,	do
2d best do	do
Best specimen of wax flower,	do
2d best do	do

Discretionary premiums will be awarded for articles of merit, not included in the above list.

PAINTINGS AND DRAWINGS—(*Open to all*).

Best specimen of	animal painting in oil, by American artist	Dip.
do	do water colors, do	do
do	do in oil, by foreign artist,	do
do	fruit painting,	do
do	flower painting,	do
do	cattle drawing,	do
do	daguerreotypes,	do
do	drawing of show grounds, for Board of Agriculture,	do

DESIGNS—(*Open to all*).

Best design of	farm house,	Dip. and	$4
do	farm barn,		2
do	dairy house,		1
do	poultry house,		1
do	ice house,		1
do	milk house,		1
do	dry house,		1
do	smoke house,		1
do	farm gate,		1

Designs must be accompanied with estimates of cost and specifications. Those to which the premium may be awarded, will be engraved and published in the Report of the Board of Agriculture.

STOVES—(*Open to all*).

Best cooking stove for wood fire,	Dip.
do do coal fire,	do
do parlor stove,	do
do apparatus for warming dwellings and public buildings,	do
do apparatus for cooking range,	do

MISCELLANEOUS ARTICLES—(*Open to all*).

do iron grate for farm purposes,	do
do iron ornamental cast iron vase, on pedestal,	do
do iron water pipe of water lime, &c.,	do
do iron osier willow and specimen of product manufactured,	Dip. and $2
do iron wire hurdle fence,	Dip.
do iron water ram or other hydraulic apparatus,	do
do iron pump for well,	do
do iron pump for cistern,	do

For all other improvements in machinery useful to the farmer, and valuable properties, discretionary premiums will be awarded.

Best specimen of Nebraska stone ware,	Dip. and $1

Discretionary premiums will be awarded for articles of merit exhibited by mechanics in all the various branches, and it is hoped that a general exhibition will be made.

MECHANICAL DEPARTMENT.

Cabinet Ware—(Open to all):

Best dressing bureau,	Dip.
do sofa,	do
do lounge,	do
do extension table,	do
do office chair,	do
do set of parlor chairs,	do
do suit of cottage furniture,	do

Crockery Ware—(Nebraska Manufacture):

Best specimen of crockery ware,	Dip. and	$1
do stone coal specimen	do	4
do do do	do	2

Cooper Ware—(Nebraska made):

Best specimen of pine,	do	3
do do cedar,	do	3
do do oak,	do	3

Book Binding and Printing—(Nebraska):

Best specimens of binding,	Dip.
do do printing,	do

Miscellaneous Articles:

Best	window shades,	Dip.
do	do blinds,	do
do	fire engine,	do
do	horse reel,	do
do	garden engine,	do
do	ornamental fountain,	do
do	steam engine,	do

CHEMICAL AND MISCELLANEOUS ARTICLES—(*Open to all*).

do	copal varnish,	Dip.
do	glue,	do
do	prussiate of potash,	do
do	linseed oil,	do
do	gloves (skin),	do
do	specimens of furriery,	do
do	specimens of soap,	do
do	specimens of tallow candles,	do
do	specimens of star candles,	do

AMERICAN HARDWARE—(*Open to all*).

do	set of gardening tools,	do
do	bank lock,	do
do	steel door lock,	do
do	inside latch,	do
do	door latch,	do
do	window spring,	do
do	gate fastening,	do
do	window shutter fastening,	do
do	door hinges,	do
do	wood screws,	do
do	specimens of saddlers' hardware,	do
do	horse shoes,	do
do	horse shoe nails,	do
do	cut nails,	do
do	set of coopers' tools.	do
do	set of curriers' tools,	do
do	set of surgical instruments,	do
do	set of optical instruments,	do
do	set of dentists' instruments,	do
do	set of mathematical and philosophical instruments,	do
do	specimens of dentistry,	do

SADDLERS' AND SHOEMAKERS' NEBRASKA MADE WARES.

do	saddle,	Dip. and	$2
do	bridle,	do	1
do	traveling trunk,	do	2
do	carpet bag,	do	1
do	ladies' satchel,	do	1
do	pair gents' summer boots,	do	2

Best pair gents' winter boots,	Dip. and	$2
do pair ladies' winter walking shoes,	do	1
do do summer do	do	1
do pair gents' slippers,	do	1
do pair ladies' slippers,	do	1

HORTICULTURAL DEPARTMENT.

Flowers—(Open to all):

Greatest variety and quantity of cut flowers,	Dip.
Dahlias—Greatest variety,	do
Best 24 dissimilar,	do
Roses—Greatest variety,	do
Best 24 dissimilar blooms,	do
do seedling of each family,	do
Phloxes—Best ten varieties,	do
Best seedling,	do
Verbenas—Greatest variety and number,	do
Best 12 varieties,	do
Best seedling,	do
German Asters—Best collection,	do
Pansies—Best collection,	do

General List:

Best collection of green and hot house plants, owned by one person,	Silver Medal.
do floral design of living plants,	do
2d best do do	Dip.
Best display of green house plants in bloom, owned by one person,	Silver Medal.
do display floral ornament,	Dip.
2d best do do	do
Best pair hand bouquets, "flat,"	do
2d best do do	do
Best pair hand bouquets, "round,"	do
2d best do do	do
Best and largest basket bouquet, with handle,	do
For the most beautifully arranged basket of flowers,	do
Best floral exhibition by any Horticultural Society or individual,	Downing's Col. Fruits.

PREMIUMS ON FRUIT.

Apples:

For the greatest and best variety of good table apples, each variety named and labeled by exhibitor,	Downing's col. Fruits.
2d best do	Dip.
The best variety of fall apples,	$2
2d do do	1
The best winter varieties,	2

2d best winter varieties,	$1
Best seedling, flavor and keeping qualities considered, description of character and origin of the tree given; and dozen specimens to be exhibited,	Downing's Plain Fruit.

Pears:

For the greatest number of varieties of good pears, named and labeled, grown in the west,	Downing.
2d do do do	Hovey's Col. Fruits.
For the best collection of first rate autumn pears named and labeled,	Dip.
2d do	do
For the largest and best collection of winter pears, named and labeled,	Downing.
2d do	Dip.

Peaches:

For the best varieties,	Downing.
2d best do do	Dip.
For the best twelve peaches,	do
2d do do	do
For the best seedling variety, six specimens,	$5
2d do do do	1

Quinces:

For the best twelve quinces of any variety,	Dip. and 2
2d best do do	0.50

Monthly Raspberries:

For the best quart,	Dip.
2d do	do

Grapes:

For the best and most extensive collection of good native grapes, grown in open air,	Dip. and $4
2d best do do	2
For the best three varieties of native or foreign grapes grown under glass, 3 bunches of each to be shown,	2
2d best do do do	1
For the best dish of native grapes,	1
Best new seedling grape, described,	1
2d best do do	Dip.

Watermelons:

For the best six specimens of any variety,	$2
2d best do do	1

Muskmelons:

For the best six specimens of any variety,	5
2d best do do	1

VEGETABLES.

Twelve best stalks celery,	$1
Six best heads of cauliflower,	1
do broccoli,	1
Twelve best white table turnips,	1
do carrots,	1
do table beets,	1
do parsnips,	1
Peck of the best onions,	1
Six best heads of cabbage,	1
Peck of the best tomatoes,	1
Two of the best purple egg plants,	1
Peck of the best sweet potatoes,	1
Half peck of best peppers,	1
Six best fall marrow squashes,	1
Half peck of best Lima beans,	1
Half peck of best white beans,	1
Best bunch of double parsley,	1
Three best squashes,	1
Largest pumpkin,	1
Twelve best ears of sweet corn,	1
Half bushel of best table potatoes,	1
2d best do do	1
Best seedling potato,	1
Best and greatest variety of vegetables raised by the exhibitors,	5
Best twelve heads of lettuce,	1
2d best do	1
Best three bunches salsify,	1
2d best do	1

Discretionary premiums is books, plate or money, will be awarded on choice garden products, not above enumerated.

GRAIN—(*Nebraska*).

Best sample of wheat, not less than one bushel,	$3
do rye, one bushel,	3
do oats, one bushel,	3
do barley, one bushel,	3
do Indian corn, two bushels of ears,	3
do buckwheat, one bushel,	3
do flaxseed one bushel,	1
do hops, not less than ten pounds,	2
do timothy seed, one bushel,	1
do clover seed, one bushel,	1
Best variety seed corn for bottom land, one bushel,	1
do do upland, do	1

PREMIUMS ON FIELD CROPS.

To be awarded at the following Annual meeting of the Territorial Board.

Best crop of wheat not less than one acre—not less than thirty bushels per acre,	$5
2d do	3
Best crop of corn not less than one acre, to be shelled and weighed between the 15th of November and 1st of December, not less than 100 bushels or more,	5
2d best do do do	3
Best crop of barley, not less than one acre, 20 bushels do	5
2d do do do do	3
Best crop of rye, do do do	5
2d best do do do do	3
Best crop of oats, do do do	5
2d best do do do do	3
Best crop of buckwheat, do do do	5
2d best do do do do	3
Best crop of beans, do 10 bushels, do	5
2d best do do do do	3
Best crop of potatoes of good table quality, not less than half an acre, 100 bushels, or more,	5
2d best do do do do	2
Best crop of sweet potatoes, do ¼ of an acre do	3
3d best do do do do	2
Best crop of onions, do do do	3
2d best do do do do	1
Best one acre of timothy hay, the crop stored in barn, and weigh-in October or November,	5
2d best do do do do	2
Best crop of rutabaga, not less than ½ an acre, 60 lbs to the bushel, 300 bushels or more	5
2d best do do do do	2
Best crop of field beets, not less than ½ an acre, 60 lbs to the bushel, 400 bushels or more,	4
2d best do do do do	2
Best crop of carrots, not less than ½ an acre, 60 lbs. to the bushel, 400 bushels or more,	4
2d best do do do do	2
Best acre of corn fodder, with account of cultivation and preservation,	3
2d best do do do do	1
Best ½ acre of hops, with full account as last,	2
2d best do do	1
Best ½ acre of flax, same accounts as last,	2
2d best do do	1
Best ½ acre of hemp, same account as last,	2
2d best do do	1
Best acre of tobacco, do	2
2d best do do	1
Best acre of broom corn, do	2
2d best do do	1
Best acre of clover seed, do	3

2d best acre of clover seed, same account as last,	$2
Best acre of timothy seed, do	2
Best five acres of flax seed, not less than 12 bushels per acre,	3
Best 1 acre Chinese sugar cane,	3
2d best do	1

STATEMENTS TO BE FURNISHED BY APPLICANTS FOR PREMIUMS ON FARM CROPS, EXCEPT CORN.

1. Statement of the previous crop, if any, and how managed.

2. The kind and condition of the soil, and the location of the farm.

3. The quantity and kind of seed used.

4. The time and manner of sowing, harvesting and cleaning the crop; and the actual yield by weight or measurement; the statute bushel in grain crop to be used; the market value of the crop, and the place where marketed.

5. A detailed account of the expense of cultivation.

6. A sample of the grain must be presented at the annual meeting. The land must be measured with chain and compass, and the surveyor make affidavit to his survey. The applicants and one other person who assisted in harvesting and measuring the crop, must make affidavit of the quantity of grain raised. The entire crop upon the piece entered for premium to be harvested and measured.

Forms for affidavits for the surveyor and applicant are annexed.

The premiums on field crops are intended only for crops raised upon the farm in its usual cultivation. The society do not intend to offer or award premiums for crops raised by unusual manuring and cultivation.

STATEMENT FOR CORN.

No premiums will be awarded on corn crops unless accompanied with a statement embracing the following particulars:

1. The condition of the soil at the commencement of the culture, and the crops raised, if any, the two previous years, as near as the same can be given from recollection.

2. The manner of plowing, dragging and furrowing or marking the land for planting; the distance the hills or drills are designed to be left apart; the time of planting, and about the time the corn appeared above ground; and the number of kernels dropped in hills or drills as near as can be ascertained; and the number of stalks designed to be left in each hill or drill.

3. The variety of corn planted, and the quantity of seed per acre; and the number of times the corn was hoed, or other method of cultivation.

4. The time of cutting the stalks or of cutting up the corn; the number of loads of stalks and its estimated value for fodder.

5. The corn to be shelled, cleaned and measured in a sealed half bushel, from the two acres after the 15th November, and the number of bushels to be stated.

6. The ground to be measured by a surveyor with chain and compass, who must make affidavit of the correctness of his survey; and one or more persons in addition to the owner, to make affidavit as to the gathering and cleaning and measuring the corn.

7. A full and particular statement of the expenses, including the number of day's work of team and hands, and the value of the same; the market value of the corn at the place where marketed.

All the above facts to be verified by oath or affirmation of the applicant.

Forms of affidavits for surveyor, applicant and assistant, are annexed.

The application, with the proofs, must be forwarded to the Secretary, A. D. Jones, at Omaha, previous to the annual meeting of the State Board.

FORMS OF AFFIDAVITS FOR SURVEYOR, APPLICANT AND ASSISTANT.

——— county, ss:

A. B. being duly sworn, says he is a surveyor; that he surveyed, with a chain and a compass, the land upon which C. D. raised a crop of ——— the past season, and the quantity of land is ——— acres, and no more.
A. B., Surveyor.

Sworn to before me, this ——— day of ———, 185 .

——— county, ss:

C. D. being duly sworn, says that he has raised a crop of ——— the past season, upon the land surveyed by A. B., and that the quantity of grain raised thereon, was ——— bushels, measured in a sealed half bushel, and that he was assisted in harvesting and measuring said crop by E. F., and that the statement annexed, subscribed by this deponent, as to the manner of cultivation, expenses, &c., is in all respects true, to the best of his knowledge and belief; and that the sample of the grain exhibited, is a fair average sample of the whole crop.

Sworn to before me, this ——— day of ———, 185 .

——— ———, Justice.

——— county, ss:

E. F. being duly sworn, says that he assisted C. D. in harvesting, getting out, and measuring his crop of ——— referred to in the above affidavits, and that the quantity of grain was ——— bushels, as stated in the affidavit of C. D.
E. F.

Sworn to before me, this ——— day of ———, 185 .

——— ———, Justice.

PREMIUMS ON ESSAYS.

For the best Essay on the character, composition and improvement of soils in Nebraska, ... $20

LADIES' RIDING AND DRIVING MATCH—(*Open to all of this Territory or elsewhere*).

On the afternoon of the 23d the Ladies' riding and driving match will take place.

Best Lady Equestrian,..................	Ladies' Gold Watch,	$50
2d best do	Ladies' Saddle and Bridle,	25
Best Equestrian (Miss under 16 yrs. of age),	Sett of fine Jewelry,	25
2d best do	Riding Dress,	15

Best management, by a lady, pair horses in harness,	Full sett of Jewelry,	$25
2d best do	Sett of Jewelry,	15

A. D. Jones, Secretary. R. W. Furnas, President.

This being the First Fair, undoubtedly many articles are omitted in the list, which should appear. The Board will see that every article presented is fairly provided for and premiums awarded when found worthy.

Premiums Awarded

At the First Nebraska Territorial Fair, held at Nebraska city, on the 21st, 22d and 23d of September, 1859.

PREMIUMS ON CATTLE.

Short Horns:

Geo. P. West, best 2 year old Durham bull,	$8
do 1 do	6
Peleg Redfield, 2d best 1 do	3
J. L. Armstrong, do 2 do heifer,	8
Geo. P. West, do 1 do do	3
John B. Bennet, do 4 do bull,	10
J. N. Cowels, best sucking calf Durham do	3

Devons:

R. W. Furnas, best 2 year old bull,	8
do do heifer,	8
do best sucking calf,	5

Native and Cross between Native and Improved Cattle:

J. L. Armstrong, best one-eighth Durham cow over 3 years,	5
do 2d best do do	3
do best three-fourths bred sucking calf,	2
Russell, Majors & Waddell, best native 1 year old heifer,	3
J. B. Bennett, 2d best fifteen-sixteenth Durham bull calf,	1

Working Oxen and Steers:

J. H. Masters, best yoke of oxen over 4 years,	5
D. M. Martin, 2d best do do	3
do best 10 yoke working oxen,	10

Foreign Cattle:

D. C. Gibbs, Clarinda, Iowa, best 1 year old bull, Durham and Devon cross,	Dip.
Harvey Bourn, best 3 year old Durham cow,	do
do 4 do	do
do 9 months do bull calf,	do
do 4 do do heifer,	do

Sweepstakes:

J. B. Bennet, best bull over 3 years,	A cup of the value of	$8
J. L. Armstrong, best bull calf 10 months old,	do	8

D. C. Gibbs, best one year old bull,	A cup of the value	$8
J. L. Armstrong, best cow over 3 years,	do	do
do heifer over 2 years,	do	do
Geo. P. West, best 1 year old heifer,	do	do
Harvey Bourn, best heifer calf,	do	do

HORSES.

Blooded Horses:

I. L. Gibbs, best brood mare over 4 years,	10
A. Bowen, best stallion colt over 3 years,	6
Geo. P. West, best stallion colt over 2 years,	4
Andrew Jason, 2d do do	2
Robert Hoback, best filly over 2 years,	4
H. H. Harding, best filly over 3 years,	4
Francis M. Cox, best stallion colt over 1 year,	4
J. S. Morton, best stallion over 4 years old,	10
P. J. Armstrong, 2d best mare over 4 years,	5
S. L. Combs, 2d best filly 1 year,	2
Edward Planter, 2d best stallion colt over 1 year old,	2
S. F. Hall, 2d best stallion colt over 3 years old,	3

Geldings and Mares:

W. W. Hickney, best mare for light harness,	5
Davis & Tesse, best gelding for light harness,	5
William Garrison, 2d best do	3
T. J. Armstrong, 2d best mare do	2
Rhoda A. Davis, best gelding for saddle,	2
Emmet Nuckolls, best mare for saddle,	5
Watson Black, 2d best do	3

Horses of all Work:

Peleg Redfield, best brood mare and foal by the side,	10
H. B. Roberts, 2d best do	5
Edward Frazier, best gelding,	5
do stallion over 4 years,	15

Draught Horses.

John Cassell, best mare for draught over 4 years,	5
J. S. Morton, best stallion for draught over 4 years,	10

Match Horses:

George Glines, best pair matched horses,	10
D. Laboc, best pair matched colts,	Dip.

MULES AND JACKS.

H. Wade, best pair of mules, 3 years old and over,	$15

Horses from other Territories or States:

Harvey Bourn, best brood mare,	Dip.
J. McCoy, span matched horses,	do
A. H. Green, best gelding,	do

PREMIUMS ON SHEEP.

Peleg Redfield, best pen of 5 years old ewes,	$4
do best fat sheep over 2 years,	2
do best buck over 2 years,	4

PREMIUMS ON SWINE.

J. Sterling Morton, best Suffolk boar 1 year old,	5
do best sow 6 months old,	4
do best breeding sow over 2 years,	5
John Swan, best boar 6 months,	4

FARM IMPLEMENTS.

H. C. Woolph, best spring wagon for marketing,	Dip.
Peleg Redfield, best corn planter,	do
Richard Justice, best mowing machine,	do
J. H. Masters, best bee hive,	do

WOOL.

Peleg Redfield, best fleece fine wool,	do
do best fleece coarse wool,	do

PREMIUMS ON FLOUR.

Z. Vanier & Brother, best sack of winter wheat flour,	do
do best sack of spring wheat flour,	do
Brownlee & Sidwell, 2d best sack of spring wheat flour,	do
John G. Melvin, best Rio Grande wheat flour,	do

PREMIUMS ON BUTTER, BREAD, &c.

Mrs. R. L. Fay, best lot of butter in rolls,	$3
H. P. Strong, best lot of butter in firkins,	3
H. E. Hills, pan of best rusks,	Dip.
G. Melvin, best salt rising bread,	do
J. McCann, best cheese under 1 year old,	$3
J. [illegible] Master, best 10 lbs honey,	2
Peleg Redfield, 2d best,	1
Mrs. A. Majors, best grape jelly,	Dip.
H. H. Harding, best plum jelly,	do
J. Anderson, best apple melon butter,	do
H. H. Harding, tomato capsup,	do
J. H. Masters, best fresh tomatoes in bottles,	do
do best fresh rhubarb in bottles,	do
H. E. Hills, best plum butter,	do

DOMESTIC MANUFACTURES.

E. B. Higgins, best ladies' collar crotched work,	do
G. G. Gillet, best pair of lamp mats,	do
E. S. Arnold, best table mats,	do
C. Gibbs, best infant's net shirt,	do
Miss Unice Raisin, best embroidered shawl,	do
Mrs. J. S. Carr, best hearth rugs,	do

Mrs. Alla Morton, best worked slippers,	Dip.
E. Arnold, best stool covers,	do
H. E. Hills, best leather worked picture frame,	do
E. B. Higgins, best landscape painting,	do
W. R. Adkins, best bed quilt,	do
G. G. Gilbert, 2d do	do
J. W. Swain, 3d do	do
John Closs, best 2 coverlets,	do
do best pair of blankets,	do
G. G. Gillett, best flannel,	$4
do best counterpane,	Dip.
H. B. Strong, best pair woolen hose,	do
do do cotton hose,	do
do best embroidery on cotton,	do
Miss Julia Galloway, pencil landscape,	do
Gillett, best crayon sketch,	do
Mrs. E. B. Higgins, best feather flowers	do

CABINET WARE.

Albert Theis, best dressing bureau,	do
Aug. Gerhart, best portable writing desk,	do
Fred Clark, best fancy stand,	do
A. McAsland, best Platte river cedar newal post,	do

HARDWARE.

D. B. McMechan, best case of cutlery,	Dip.
T. Creed, best pair horse shoes,	do

FRUIT.

Peaches:

W. H. Lowe, best specimen of seedling variety,	$5
J. H. Masters, 2d best specimen of seedling variety,	1

Watermelons:

Peleg Redfield, best six specimens,	2

Muskmelons:

Peleg Reefield, best six specimens,	1

HORTICULTURAL.

M. Allen, greatest variety of flowers,	Dip.
J. H. Masters, greatest variety of dahlias,	do
do do roses,	do
do do verbenas,	do
do best collection china asters,	do
do do green and hot house plants,	do
do best pair round boquette,	do
do do petunias,	do

Native Wine:

C. R. Ottoway, best native wine,	do
H. B. Strong, 2d best do	do

VEGETABLES.

J. H. Masters, best six heads cauliflower,	$1
P. Redfield, best turnips,	1
do carrots,	1
J. H. Masters, best beets,	1
do onions,	Dip.
A. E. McConnell, best twelve cabbages,	$1
Peleg Redfield, best peck tomatoes,	1
J. H. Masters, best egg plant,	Dip.
M. Allen, best peck sweet potatoes,	$1
Peleg Redfield, best 3 squashes,	1
Joel Draper, best lima beans,	1
Peleg Redfield, best white beans,	1
do largest pumpkin,	1
do 12 ears sweet corn,	1
do half bushel table potatoes,	1
M. Allen, 2d best potatoes,	Dip.
John Closser, best variety of vegetables,	$5

GRAIN.

John McCann, best sample of wheat,	3
Peleg Redfield, best Indian corn,	3
T. H. Dunbar, best oats,	3
J. B. Bennett, best variety seed corn, upland,	1

LADIES' RIDING AND DRIVING.

Riding:

Mrs. A. M. Barns, best equestrianship,	Gold watch worth	50
Mrs. D. Wittinger, 2d best. ~~do~~	Ladies' saddle and bridle,	25

Driving:

Mrs. George Glines, best manager of pair of horses in harness,	Set of jewelry worth	25
Mrs. A. M. Barnes, 2d best manager of pair of horses in harness,	Set of jewelry worth	15

The Committee on Discretionary Premiums and Awards, report:

That they have examined, with as much care as possible, a number of articles not included in the regular premium list and find several worthy of notice and reward.

Mrs. Elizabeth Coleman exhibited "one worsted embroidered picture," a very fine specimen of skillful "hand work." Mr. Peleg Redfield different products of his garden, including apple pie melons, California citrons, rutabags, sweet corn and pumpkins, common and *ne plus ultra* cucumbers. These products furnish satisfactory proof of skillful and well directed industry, and affords additional evidence of the already established fact that the invincible soil of Nebraska is as various in capacity as it is prolific and rich in production.

Mr. James Anderson exhibited an excellent quanlity of butter, made from apple pie melons. It bears some resemblance to peach butter, and is delicious in flavor.

One solid limestone gate post cut and furnished by Mr. George Clinton, is entitled to special notice and commendation. The material was procured from his excellent and inexhaustible quarry, within six miles of Nebraska city.

A fine saddle mare, of small size, but possessing great powers of endurance was placed on exhibition by McCall Rasin. It attracted general and favorable notice.

Messrs. Davis & Teese's bay gelding Ben Bolt, was the fastest trotting nag exhibited.

The committee had the pleasure of taking reliable testimony on the claim of Judge H. C. Wolph of Cass county, to the "best cultivated farm of 40 acres." The evidence was very satisfactory and fully justifies a favorable report. We do not pretend to enumerate the good points of this excellent farm, but we can not omit to mention that fine fencing and plowing, and "constant attention to keeping out of all kinds of weeds," were some few of the evidences furnished by Judge Wolph in favor of his claim to the "best cultivated farm."

To each one of the persons named, we recommend that a suitable diploma should be awarded.

In closing their report, your committee beg leave to say, that this first territorial fair of Nebraska, though not a complete success, is far from a failure. Taking all things into consideration, it is a marvel that we have done half so well. The Territory is but little more than five years old. During the first half of her existence, she was exposed to the prevailing epidemic of wild and insane speculation; and for the last two years she has suffered under the prostration consequent upon a long run of financial dissipation and folly. But, instead of yielding to the almost fatal effects of low times after high times, the people of Nebraska betook themselves to their fields, and, forsaking all the delusive schemes of speedy fortune by speculation, followed that never failing friend, the plow, to prosperity and independence.

This territorial fair is part of the first fruits. Energy, perseverance and the awaiting courage which never sinks, begin to reap their great reward. In every element of prosperity, the present exceeds our utmost anticipations. The future is filled with encouragement and promise.

S. W. Black, Chairman,
H. H. Harding, Sec'y, pro. tem. R. W. Furnas, Pres't.

Address of Hon. J. Sterling Morton.

Mr. President and Gentlemen:

Called upon to address you, the farmers of Nebraska, you, whose calling I so much honor and love, I was flattered, and in a moment of self-reliant enthusiasm, I accepted the call and have undertaken the duty which it imposes.

It had been my intention at first thought to gather together accurate and reliable statistics concerning the agricultural interests and capacities of the Territory; but having made a trial at collecting data of that description, I have given it up as impracticable from the fact that no regular accounts nor correct statements relative to the products and exports have been kept in any county in the Territory. Even the returns of the assessors of taxes in the various counties as sent up to the auditor of the Territory, are very inaccurate and convey no well defined idea of the amount of land in cultivation, nor any information upon which a reliable estimate of the capital employed in agriculture can be based. I have, then, only my own observation, dating from November, 1854, together with a somewhat limited experience, to draw upon, and can assure you that such information is far less satisfactory to me (and probably will be to you), than statistical facts and figures. But such knowledge as I have concerning the beginning and the success of farming in this Territory, I give to you with pleasure.

* * * * * * * *

The Indian title to the Omaha and Otoe lands, which comprised respectively the land lying along the Missouri river, north of the Great Platte, and that similarly situated south of the last mentioned stream, was not extinguished until late in the spring of 1854, and the Kansas-Nebraska bill did not pass the House of Representatives until the 24th of May of the same year, so that the season was too far advanced for the emigrants of that summer to put in crops, except in a very few instances, and I think it safe to say that not more than a single section of land was tilled in the whole Territory of Nebraska in 1854; in fact the only considerable patches of corn that I remember seeing that fall were raised by the Mission at Bellevue, and by the town proprietors of Nebraska city on the town site. I remember that we commenced the winter of 1854–5, a little colony of hopeful boarders, purchasing everything that we ate, and even feed for our horses and cattle in the neighboring states of Iowa and Missouri, and they, even, had very little to spare.

The winter was exceedingly mild, and with the early spring-time came the farmers with their breaking teams and the big plows, and the sturdy hand of industry was for the first time bronzing in the sunlight that gladdened the beautiful prairies of our new-found homes. Yet what did they know of the rich soils of this untried land? Its productiveness was, to them, a sealed book. No human test had ever demonstrated their worth, and yet the farmer turned the heavy sod and planted his corn for the first time, with an abiding faith that his labors would be rewarded, and his all that he had invested in the experiment, would be returned to him tenfold, and that his wife and little ones, whose very lives were staked upon the soil and its capacities, would be fed, clothed and cared for by the generous returns of the earth.

The man who builds the first house, gathers his family around the first home fireside, and plants the first seed, and risks his all upon the first crop, in a country whose lands have been forever untried, and upon which the slumberers of barrenness have rested down for unnumbered centuries, must needs be, and is braver and grander in his heart than he who leads an army into battle, and moves unawed amid the emissaries of death himself.

The spring and summer of 1855 were seasons of intense anxiety to he first tillers of this soil, but the harvest sun shone propitiously, and the benignant rains and the growth-giving dews were plenteous, and when the autumn came with its sere and yellow leaf, the great experiment had been successful; and to the questions—Can Nebraska ever be settled up? Can she ever sustain any considerable population? the joyous fields of golden grain nodded an indisputable affirmative, and gracefully beckoned the weary emigrant to a home of healthfulness and abundance.

The glad tidings of our first success in agriculture, were heralded far and near through the medium of our pioneer press, and a new impetus was thus given to the emigration of that fall and the following spring. But here came also, a spirit of evil among us, a spirit of reckless speculation, and a seeking for some new method to acquire wealth, some method which required neither mental nor manual labor.

The Legislative Assembly in January, 1856, deeming it necessary to have more money in the country, had, very unwisely, concluded that the creation of banks of issue, by special charter, would accomplish that much desired object. And so six banks were created, or one bank for every five hundred men in the Territory, and each bank had power to issue as many dollars of indebtedness as the circumstances of its individual stockholders might demand for their own pecuniary necessities or ambitions. And what were the consequences? Rag money was plenty, everybody had credit, and it was no heavy undertaking to secure discounts. Town property, though very plenty, as many, very many thousand acres of land had been planted with small oak stakes, was not so amazingly abundant as "Fontenelle," Nemaha Valley and Western Exchange bank bills, and, as is always the case in commercial matters, the scarcer article went up in price, and the plentier went down; that is to say, money was plentier than town lots, and consequently cheaper. And now indeed did the unsophisticated and enthusiastic believe that the method of making money without either mental or manual labor had most certainly been invented, and patented in and for the Territory of Nebraska. So far did this idea diffuse itself throughout the community, that it reached and took entire possession of the executive head of the Territory, insomuch, that in a message to the Legislative Assembly of the Territory, Governor Izard mentioned as an evidence of our flush prosperity, the fact that town lots had advanced in price, in a few months, from $300 to $3000 apiece.

Unfortunately for the wise constructors of those patent mills for money making, there was no reality nor soundness in the prosperity of that day. It did not arise as all wealth and true capital must arise, from that great substratum of prosperity which underlies and supports the whole civilized world, and is called agricultural development, yet the popular mind was apparently satisfied, and lulled itself into the belief that the honest arts of industry and economy belonged to a former generation, and that here indeed, they were certainly useless and obsolete. Who would bend the back, nerve the arm to labor, and sweat the brow in cultivating the soil, when by the aid of a lithographer and the flatulent adulation of some ephemeral newspaper, a half-section of land could be made to yield three thousand town lots, at an average value, prospectively, of one hundred dollars each? Whom could we expect to desert the elegant and accomplished avocation of city founder and dealer in real estate, for the arduous and homely duties of the farmer?

We acquired great velocity and speed, in fact, became a surpassingly "fast" people. We aspired at once to all the luxuries and refinements of older and better regulated communities in the east. We emerged suddenly from a few rough hewn squatters arrayed in buckskin and red flannel, to a young nation of exquisite land sharks and fancy speculators dressed in broadcloths.

The greater portion of the summer of 1856, was consumed in talking and meditating upon the prospective value of city property. Young Chicagos, increcent New Yorks, precocious Philadelphias and infant Londons, were duly staked out, lithographed, divided into shares, and puffed with becoming unction and complaisance. The mere mention of using such valuable lands for the purpose of agriculture, was considered an evidence of verdancy wholly unpardonable, and entirely sufficient to convict a person of old fogyism in the first degree.

Farms were sadly neglected in the summer of 1856, and there were not as many acres planted that season, in proportion to the population, as there were the year before, but the crop of town plats, town shares, town lots and Nebraska bank notes, was most astonishingly abundant.

We were then a very gay people; we carried a great number of very large gold watches and ponderous fob chains; sported more fancy turnouts, in the way of elegant carriages and buggies; could point to more lucky and shrewd fellow citizens who had made a hundred thousand dollars in a very short time; could afford to drink more champagne, and talk and feel larger, more of consequence, and by all odds richer than any yearling settlement that ever flourished in this vast and fast country of ours.

We all felt, as they used to print in large letters on every new town plat, that we were "located adjacent to the very finest groves of timber, surrounded by a very rich agricultural country, in prospective, abundantly supplied with building rock of the finest description, beautifully watered, and possessing very fine indications of lead, iron, coal and salt in great abundance." In my opinion, we felt richer, better, more millionareish than any poor deluded mortals ever did before, on the same amount of moonshine and pluck.

But the seasons were prompt in their returns, and the autumn winds came then as they are coming now, and the ripening sunbeams descended upon the earth as they do to day; but the fields of grain that they wandered and glistened among were neither as many nor as well tilled as they should have been.

And the fall of 1856 came and passed, and not enough had been raised and garnered to half supply our home wants.

Town lots we could neither eat nor export; they were at once too expensive for food, and too delicate for a foreign market. All that we had in the world to forward to the eastern marts was a general assortment of town shares, ferry charters, and propositions for receiving money and land warrants to invest or locate on time.

The balance of trade was largely against us. We were now, more than ever, a nation of boarders—eating everything eatable, buying everything consumable—but producing absolutely nothing.

The winters of 1856 and '57 came, and the first and second days of December were most admonitory and fearful harbingers of suffering; they came like messages of wrath to rebuke the people for the folly, the thriftlessness and extravagance of the summer that had passed unheeded and unimproved. The storm that lasted those two days through and ushered in the terrible life-taking winter of that year, will never be forgotten by those of us who were here and experienced it.

The legislative assembly convened in January, 1857, and again was the wisdom and sagacity of Solon and Lycurgus called into active service. A grand rally was had for the purpose of raising more means and more money by legislative legerdemain. New towns were incorporated, and new shares issued; insurance companies were chartered with nothing to insure, and nothing to insure with; and, finally another nest of wild cat banks was set for hatching, it having been deliberately decided that the easiest way to make money was through the agency of paper mills, engravers, and the autographs of fancy financiers. Not less than fifteen new banks were contemplated and projected. Preparations were thus coolly and deliberately made for issuing evidence of debt, amounting, in the aggregate, to millions of dollars, and a confiding and generous public were expected to receive them as money. Fortunately for you, for the Territory, for our reputation for sanity, the great infliction was escaped, and out of the entire number, De Soto and the never-to-be-forgotten Tekama, were all that ever saw the light; thus, this second attempt to legislate prosperity into the country by the manufacture of an irresponsible and worthless currency, failed most signally. Its only fruits have been seen in the thousands of worthless pictures which bear the impress of the Tekama bank, and have finally exploded in the pockets of the merchants, mechanics and farmers of this Territory, and thereby defrauded them of some hundred thousands of dollars worth of capital and labor.

In the midsummer of 1857, while credulous men were buying town lots at enormous prices, and sapient speculators were anxiously looking up enough unoccupied prairie land to uphold a few more unnamed cities, while the very shrewd and crafty operators in real estate were counting themselves worth as many thousand dollars as they owned town lots—while enthusiastic seers, observed with prophetic eye, city upon city arise and people with teeming thousands—while the public pulse was at fever heat—when the old fogies themselves were beginning to believe in the new way of making money without labor—the financial horizon began to darken. At once hope whispered that it was only a passing cloud, but judgment predicted a full grown storm. And one pleasant day, when lots were high, and town shares numerous and marketable, the news came that one Thompson—John Thompson—had failed, and also that the hitherto invulnerable Ohio Life and Trust company, had departed its pecunious and opulent existence. The streets in cities hereabouts were occupied by knots and groups of wise and anxious men; the matter was fully and thoroughly discussed, and it was generally conceded that, though it did sprinkle some, it probably would rain very little, if any.

But again and again came the thunderbolts, and the crash of banks, and the wreck of merchants, the fall of insurance companies, the decline of rail road stocks, the depreciation of even State stocks, and, finally, the depletion of the National treasury, the quaking of the credit of all the monied institutions, in fact, of the governments themselves, of both the old and the new world, demonstrated, beyond a doubt, that the storm had indeed begun, and furthermore, that it was a searching and testing storm.

Just as in your own farm yards, when a sudden storm of rain, lightning and tempest has broken out from a sky almost all sunshine, you have seen the denizens of the pig sty, the stables and the poultry coops, run, jump, squeal, cackle, neigh and bellow in their stampede for shelter; so vamosed the city builders, speculators, bank directors and patent cash makers of Nebraska, while the terrible financial tornado of 1857 swept over the world of commerce.

The last day of the summer of 1857 had died out, and was numbered upon the dial plate of the irrevocable past. The September sun had come, glittered, warmed and ripened, and the time of harvest had gone by. November, cold, cheerless and stormy, came on apace and whispered in chilling accents of the approach of winter. It became the duty of every man to look to his own pecuniary condition and to prepare well for the season of cold; and the examinations then made by you, by all of us, proved this: they proved that the season of planting in 1857, like that of the year previous, had slipped by almost unnoticed, and unimproved by a great many of the people of Nebraska. We had not raised enough even to eat; and as for clothing, it looked as though nakedness itself would stalk abroad in the land.

If the great states of Illinois and Wisconsin found themselves, that fall, in an almost hopeless bankruptcy—if their people were heard to cry aloud against hard times, while yet each state had produced millions of dollars worth of grain for exportotion, what, then, must have been our condition?

* * * * * * * *

The irrepealable law of commerce which declares that, "whenever the supply of any article is greater than the demand, that article must decline in market value," was most clearly proven in Nebraska. The supply of town lots, after the monstrous monetary panic of 1857, was as large as ever.

There were at least one million of town lots, in towns along the Missouri river, between the Kansas line and the L'eau-qui-Court; but where was the demand? It had ceased! It had blown away in the great storm, or been crushed out in the great pressure. We had nothing else to offer for sale, except real estate, and even that of a very doubtful character. We were yet a colony of consumers; we were worse off than ever; we were now a nation of boarders, and had nothing to pay board with, and very little valuable baggage to pawn for the same. The greater number of our banks had exploded, and the individual liability of stockholders, as marked on each bill, proved to mean that the bill holders themselves, were individually responsible for whatever amount they might find on hand after the crisis. I think we were the poorest community that the winter sun ever looked down upon; that the history of new countries can furnish no parallel for our utter and abject poverty.

I believe, on the 1st day of January, 1858, there was not, upon an average, two dollars and fifty cents in cash to each inhabitant of the Territory. Hard times were the theme of each and every class of society, and all departments of industry. Merchants, mechanics, speculators and bankers were continually lamenting their desperate fortunes, and their many failures and losses.

There was one small class of individuals who, although they may have been sadly pinched by the pressure of the times, noted no failures in their ranks, and who, when winter set in, were comparatively well off, in fact, relatively opulent and luxurious in their circumstances. *They* were the very few farmers who had passed through the era of speculation untempted by the allurements thereof. They who had followed the plow steadily, and planted their crops carefully. They, and they alone, of all the people of Nebraska, could board themselves. There is no doubt but that poverty induces thought. It may paralyze the physical energies for a time, but it will induce reason and reflection in the thoughtless, and judgment and discretion in the reckless, after all other arguments have failed. I believe, that owing to our extreme poverty, we were led to more thinking and reasoning during the winter of 1857 and '58, than up to that time had ever been accomplished in the Territory. As you have seen your grandfathers during the long winter evenings, sit down by the large fire-place where the huge back log and the big blaze burned so brightly, away back east somewhere, at your old homesteads, as when the old man, after reading his newspaper, would wipe his spectacles, put them up by the clock on the mantelpiece, and seating himself there in the genial firelight, place his head between his hands, and his elbows on his knees, and have a good, "long think;" just so with us all in Nebraska that winter. We had a "think;" a long, solemn, gloomy "think;" and among us all we thought out these facts: That the new way of making money by chartering wild-cat banks, had proved a most unprofitable delusion and an unmitigated humbug. We thought that building large cities without any inhabitants therefor, was a singularly crack-brained species of enterprise; and furthermore, that everybody could not live in town who lived in the Territory, unless the towns were laid off in eighty acre or quarter section lots. We thought, to sum up all hurriedly, that it was useless to attempt to legislate prosperity into the country; that it was impossible to decoy wealth into our laps by legal enactments; that we had in fact, been a very fast, very reckless, very hopeful, enthusiastic and self-deceived people; that while we had assumed to play the part of Dives, we were really better fitted for the performance of the character of Lazarus.

The scheme for obtaining wealth without labor, prosperity without industry, and growing into a community of opulence and ease without effort, had been a complete failure.

The spring of 1858 dawned upon us, and the icy hand of winter relaxed its hold upon the earth, and the prairies were once more clothed in sunshine and emerald.

The result of all our thinking during the long and dreary winter, was now about to be embodied in active efforts to enhance our real prosperity and substantial wealth. It had been fully and justly determined that the true grandeur and prosperity of a people was concealed in their capacity for industry, honesty and patient endurance.

If there were fortunes to be made in Nebraska, they were to be acquired by frugality and persevering exertion alone. The soil was to be tilled and taxed for the support of the dwellers thereon; and out of it, and it alone, was all true and substantial independence to be derived. For the first time during our political existence, we realized our true condition, and comprehended the proper method of ameliorating and improving it. The numerous signs marked "banker," "broker," "real estate dealer," &c., began, one by one, to disappear, and the shrewd and hopeful gentlemen who had adopted them were seen either departing for their old homes in the east, or buckling on the panoply of industry, and following quietly the more honorable and certainly paying pursuit of prairie breaking and corn planting.

The gloom of despondency and the long night of poverty were about passing away forever. The clouds were breaking. The effulgence of a better and brighter day sent its first glad beams to reanimate and rejoice the dispirited, and encourage the strong and hopeful. Labor at once began, and its hundred voices made the air resonant with its homely music. All about us, on every side, the prairie plow was at work, turning over, as it were, the first pages in the great volume of our prosperity. Everywhere were brawny arms lifted up to strike the earth, that a stream of plenty and contentment might flow forth and bless the country, even as the rock itself sent up sweet waters to quench the thirst of Israel's children when smote by the strength of Aaron.

Everywhere these rich and rolling prairies which had lain for unnumbered centuries as blank leaves in the history of the world's progress, were being written upon by the hand of toil, snatched from the obscurity of uselessness, and forever dedicated to the support of the Anglo-Saxon race. The sunshine seemed brighter, and the rains and the dews more beautiful and refreshing, because they descended upon the earth and found it not all a wild and desolate waste. Seed had been sown, farms opened, and every energy had been taxed to make the Territory of Nebraska self-sustaining. It was the first genuine effort in the right direction. The people were aroused to the fact, that agriculture, and that alone, was to be for many years the sole support, the sheet-anchor and the salvation of the Territory. Emulation was excited; each endeavored to outwork the other in the good cause. In many of the counties fairs were held last fall, and agriculture had at last, after three years of neglect, assumed its true position in Nebraska.

As you well remember, the season was favorable, the crops were heavy. We had enough, aye more than enough, and the last spring witnessed our first shipment of a surplus production of grain to a foreign market. The first steamers that came up the Missouri in 1857, brought us corn to keep us and our stock from perishing by hunger and starvation. We paid for it at the rate of two dollars per bushel. But now by the energy of our farmers, Nebraska in less than two years has been transformed from a consumer to a producer. And the steam boats of the old Missouri bore away from our shores in the spring of 1859, hundreds of thousands of bushels of corn to the southern and eastern markets, which we did not need for home use, and for which, at the rate of forty cents per bushel, we have taken more money than we have for town lots in the last eighteen months, or will in the next twenty-four.

Thus imperfectly and hurriedly, I have narrated the history of agriculture in Nebraska, down to the planting of last spring's crop; what that was, and how much the greater breadth of land cultivated is than ever was before, the new farms that meet the eye on every side, and the vast fields of ripening grain that have magically usurped the place of the rank prairie grass, eloquently proclaim.

If our brief and only half-improved past has been thus encouraging and thus indicative of prosperity: if, notwithstanding the mercilessness of the panic and the scarcity of money, the present time—to-day—finds Nebraska richer in the true elements of prosperity, stronger in the golden capital of skillful industry and contented labor than she ever was before, who shall predict her future? Who shall attempt to portray the fullness and glory of her destiny?

The Anglo-Saxon race are being driven by the hand of God across the continent of America and are to inhabit and have dominion over it all.

These prairies which have been cleared and made ready for the plow by the hand of God himself, are intended for the abiding place of the pioneers in the progress of the world.

The American Indian, in whom there are none of the elements of thrift, held a tenancy upon these fertile plains for centuries, but there was neither labor in his arm nor progression in his spirit. He was an unworthy occupant of so goodly a land, and he has been supplanted. He is gone and his race is fast becoming extinct—the world is too old for its aborigines. Their destiny is completed; they are journeying to their fate; they must die, and a few years hence only be known through their history as it was recorded by the Anglo-Saxon while he pushed them before him in his onward tread.

We stand to-day upon the very verge of civilization—riding upon the head wave of American enterprise, but our descendants, living here a century hence, will be in the center of American commerce—the mid-ocean of our national greatness and prosperity.

Upon this very soil, the depth and richness of which is unsurpassed in the whole world, in a country whose mineral resources—as yet wholly undeveloped—are certainly magnificent and exhaustless; whose coal beds are as extensive as its prairies; whose rivers and springs are as healthful as they are numerous—in such a country—agriculture must and will carve out, for an industrious people, a wealth and a happiness the like of which the world has never dreamed of before.

Manufacture and skill in the various arts may, and will undoubtedly, aid us in our pursuit of a glorious and independent opulence, but our great trust and strong hope is still hidden in the fertility of our soil and its adaptation to general cultivation.

The agriculturalist may be proud of his calling for in it he is independent; in it there is no possibility of guile or fraud, and for his partners in labor God has sent him the genial sunshine, gentle rains, and the softly descending dews. The very elements are made his assistants and co-workers; the thunderbolt that purifies the atmosphere and furnishes electric life to the growing crops, is his friend and his helper. It may be urged, and often is, that the calling of the farmer is an arduous and homely one—that it is *arduous*, no one can deny, but it is equally honorable.

The idea that a man can not be a true gentleman and labor with his hands, is an obsolete, a dead and dishonored dogma. All labor is honorable. The scholar in his study, the chemist in his laboratory, the artist in his studio, the lawyer at his brief, and the preacher at his sermon, are all of them, nothing more, nothing less, than day laborers in the world's workshop—workers with the head. And the smith at his forge, the carpenter at his bench, mechanics and artisans of every grade and kind, and the farmer, are the same day laborers—workers with the hand. The two classes represent the two divisions of labor, and they are mutually dependent upon each other; but if among them all there is one art more health-giving, one art more filled with quiet and honest contentment, than another, it is that of agriculture. And yet agriculture, although it is the art supportive of all arts—although it is the basis and foundation upon which the superstructure of all the commerce of the world is reared—is less studied, less thought of, and more remote from its perfection than all others. During the last ten years it has, however, begun to attract a greater degree of attention and has taken a few steps towards that high place in the world's business which awaits it.

The county, state and national fairs, which are now proven so useful, are the protracted meetings of husbandmen, where agricultural revivals are initiated and thousands annually converted to the faith of the great church of human industry. And this is the first revival of the kind ever instituted in a territory. To Nebraska belongs the honor and the good name of having placed a bright and worthy example before the sisterhood of children states which bound her on the south and west.

Let us continue in the good work; let every heart's aspiration, every thought and effort be to make each succeeding fair give better and stronger testimony in favor of the resources and wealth of our vast and beautiful domain. And while in the east the youth are being prepared for the so called learned professions, law, divinity and medicine, let us be content to rear up a nation of enlightened agriculturalists. Men sturdy in mind and thought even as they are robust in body and active in all that pertains to the full development and perfection of the physical system of mankind; let it be our high aim, by our enlightened and well-directed training of both the body and the mind, to elevate and improve our race and make the western man the model, both physical and intellectual, from which all the world may be happy to make copies. With such an ambition in the minds of our people, and an energy to gratify it, the future of this commonwealth is such a one as thrills the patriot's heart with grateful pride, and makes one sad to think that death may close the eye before it shall have rested upon the beauties of the garden state that will have been builded up on these shores within the next ten years. When the vallies of the L'eau-qui-Court, the Great Platte, the Weeping-water and the two Nemahas, shall have been shorn of their native wildness and be resonant with the song of the husbandman, the rumble of mills, the splash of the paddle wheel and the puff of the steam engine.

When away out upon those undulating plains, whose primeval stillness is now unbroken, save by the howl of the wolf, or the wind sighing through the rank prairie grass, the American citizen shall have builded-up homes, hamlets and villages; when the steam plow, with its lungs of fire and its breath of vapor, shall have sailed over the great land-ocean that stretches its luxuriant waves of soil from the western bank of the Missouri to the base of the Rocky Mountains, leaving in its wake thrifty settlements and thriving villages, as naturally as a ship riding upon the sea leaves the eddy and the foam, sparkling in the sunlight that gilds its path through the waste of waters.

When, only fifty miles westward from the Missouri river, the strong saline waters of Nebraska shall have arrested the attention of the capitalist and attracted the skill of the manufacturer, and shall have become, as it must and will, the salt producer for the whole northwest; when the rock-ribbed mountains that form our western boundary shall have been compelled to give up to mankind their long-hidden and golden treasures; when afar off up the winding channel of the Great Platte, the antelope, the buffalo and the Indian shall have been startled by the scream of the locomotive car as it roars and rumbles over the prairies and the mountains, hastening to unite the states of the Atlantic and the Pacific into a unity and fraternity of interests: a future greater and brighter than words can picture is to be achieved, and you, the farmers of Nebraska, are its prime architects, and its master workmen.

Be inspired then to hasten the carving out of that destiny of indisputable superiority which God has assigned the American people; and so inspired, and so laboring in the great field of the world's advancement when Death, that harvester whom no seasons control and no laws retain, gathers you to his dark and noiseless garner, may you go like the grain that has thrived and ripened in the brightest sunshine, pure an untainted by the mildews of the world back to Him who planted mortality on the earth that immortality might be reaped and garnered and loved in Heaven.

NEMAHA COUNTY AGRICULTURAL SOCIETY.

Premiums and Regulations,

For the First Annual Fair of the Nemaha County Agricultural Society, to be held at Brownville, on the 13th, 14th and 15th days of Oct., 1859.

Officers.—J. S. Minick, President; J. W. Coleman, Vice-President; Jesse Cole, Treasurer; R. W. Furnas, Secretary.

Board of Managers.—J. G. M'Cathron. D. C. Sanders, G. W. Crow, J. W. Hall, E. Read.

Regulations.

The officers of the Society shall consist of a President, Vice-President, Treasurer, Secretary and five Managers, who together shall constitute a Board of Directors for the general management of the affairs of the Society. They shall be elected annually on the last day of each fair by the members of the Society, and hold their offices until their successors are appointed.

Members of the Society must be residents of the county, and pay the sum of one dollar annually, or by the payment of twenty-five dollars may become a life member.

Competitors for premiums must be members of the Society.

A list of the articles for which premiums are to be awarded by the Society, must be published in a newspaper or in handbills, at least six months previous to the day of exhibition.

All articles offered for premiums must be owned by the person offering the same, or by members of their families, and products of the soil or manufactured articles must be produced or manufactured within the county.

Awarding committees of three or five persons each shall be annually appointed by the Board of Directors of the Society, for judging the different classes of articles offered in competition and awarding premiums for the same.

The awarding committee must comply with the provisions of the law requiring competitors for premiums on crops and other improvements to furnish full and correct statements of the process and expense of culture, production, etc.

Competitors for premiums on crops shall be required to furnish a statement in accordance with the following rules, which statement shall be verified by affidavit, as per form annexed:

Statements to be Furnished by Applicants for Premiums on Farm Crops.

1. The land shall be measured by some competent person or persons who shall make affidavit of the occurrence of the measurement and the quality of the ground.

2. The applicant shall make affidavit according to the form annexed to the quantity of grain raised on the ground entered on the premium list which affidavit must accompany the application for premium, together with a sample of the grain.

3. The main object of the Society being to promote profitable cultivation, they do not propose to offer premiums for crops produced by

extravagant expenditure, therefore a detailed certified account of the expense of cultivation must be made. The expense of labor and manure should be particularly stated, and the kind of manure given.

4. The kind and condition of the soil, the quality and kind of seed, and the time and mode of putting in the ground should be particularly stated.

5. The grain must be either weighed or measured in a legal half bushel, corn to be measured in the ear, an average specimen of not less than twenty bushels, shelled cleaned and weighed or measured as above and the number of bushels thus estimated to be stated in the affidavit.

6. The same rules to be observed in awarding premiums for all farm crops.

Forms of Affidavits.

Nemaha county, N. T.

A——— B———, being duly sworn, says he accurately measured the land upon which ——— ——— raised a crop of ——— the past season and the quantity of land is —— acres and no more.

——— ———

Sworn before me this — day of —— 18—.

——— ———, Justice.

Nemaha County, N. T.

——— ———, being duly sworn, says that he has raised a crop of ——— upon the land measured by ——— ———, and that the quantity of grain raised thereon, was —— bushels, weighed (or measured in a legal half bushel, as the case may be), and that the statements in regard to the manner of cultivation, &c., are correct, to the best of his knowledge.

——— ———.

Sworn to before me this — day of ———, 18—.

——— ———, Justice.

9. Premiums on grass and grain crops shall not be awarded for less than one acre, and on root crops for less than one-fourth of an acre. The whole quantity produced on the amount of land specified, shall be measured or weighed; root crops to be estimated by weight (divested of the tops), sixty pounds to be considered a bushel; grain crops measured in accordance with above rules. The rules in relation to other crops and productions to be agreed upon by the directors of the society.

10. The annual exhibitions of the society must be held at some period between the 1st day of September and the 1st day of November. The premiums on crops can be awarded at a later period if thought necessary.

The Annual Fair for 1858, shall be held at the farm of Jesse Cole, commencing on the second Wednesday in October, and continuing three days, viz; the 13th, 14th and 15th.

Premiums.

CLASS A.—ESSAYS AND TREATISES.

Best essay on rearing and managing cattle,.....	American Herd Book.
do rearing horses and mules,..........	Youatt on the Horse.
do rearing swine,................	Downing's Rural Essays.

Best essay on breeds of sheep,..................Shepherd's own Book.
do the management of poultry,.....American Poultry Yard.
do the culture of forest and ornamental trees,
Smith's Parks and Pleasure Grounds.
do the culture of fruit trees,......Chas. Downing on Fruits.
do the culture of the vine and its adaptation to our soil and climate,..................Longworth on the Grape.
do the embellishment of a country house,
Downing's Country Houses.

The above essays to be presented by the authors, and appropriate to this particular locality.

CLASS B.—FARMS.

Best improved and most highly cultivated farm of not less than 160 acres,..............................American Farmer's Encyclopædia.
Best improved and most highly cultivated farm of not less than 80 acres,..Country Gentleman.
Best improved and most highly cultivated farm of not less than 40 acres,..Journal of Agriculture.
Best and most highly cultivated and improved nursery,
Downing's Fruit, &c.
Best hedge of 40 rods or more,..............................Ohio Farmer.
Best 5 acres of cultivated forest trees,.............Country Gentleman.

CLASS C.—AGRICULTURAL IMPLEMENTS.

Best plow for prairie sod,..................................Ohio Farmer.
do two-horse plow,......................................Prairie Farmer.
do one-horse do ....Northwestern Farmer.
do harrow,..American Agriculturist.
do corn cultivator,......................................Valley Farmer.
do roller,..Ohio Cultivator.
do hay rakes—horse,......................................Albany Cultivator.

CLASS D.—FIELD CROPS.

Best fall wheat—not less than 5 acres,...........Country Gentleman.
do spring wheat, do ....Journal of Agriculture,
do corn do ....Ohio Farmer.
do rye, do ....American Agriculturist
do buckwheat—not less than 1 acre..................Ohio Cultivator.
do potatoes, Irish—not less than ½ acre,.............. do
do potatoes, sweet—not less than ⅛ acre,.............Valley Farmer.
do onions, do ....Prairie Farmer.
do beets, do ....Northwestern Farmer.
do carrots, do .....American Agriculturist.
do barley—not less than 1 acre,.................. do
do hemp, do .... do
do tobacco—not less than ¼ acre,........... do
do timothy meadow—not less than 2 acres,.. do
do clover do do do
do Hungarian grass meadow, do do

Best Chinese sugar cane—not less than 1 acre,........Ohio Cultivator.
do broom corn, do .... do
do flax seed, do .... do
do clover seed, do .... do
do timothy seed, do .... do
do millet, do .... do
do castor beans, do .... do
do white beans, do .... do

CLASS E.—GRAIN AND VEGETABLES.

Best wheat, fall—not less than 1 bushel,......American Agriculturist.
do wheat, spring, do ...... do
do rye, do ...... do
do oats, do ...... do
do barley, do ...... do
do corn, do ...... do
do buckwheat, do ...... do
do clover seed—not less than 1 peck,..............Ohio Cultivator.
do timothy seed, do .... do
do Hungarian grass seed, do .... do
do blue grass seed, do .... do
do Irish potatoes—not less than 1 bushel,........... do
do sweet do do .... do
do onions, do ....Prairie Farmer.
do turnips, do .... do
do beets for table, do .... do
do beets for sugar, do .... do
do parsnips, do .... do
do Salsify—not less than 3 bunches,............Albany Cultivator.
do leeks, do .... do
do celery—not less than 12 stalks,............ do
do rhubarb, do .... do
do cauliflower, do .... do
do cabbage—not less than 12 heads,............ do
do lettuce, do .... do
do endive, do .... do
do tomatoes—not less than 1 peck,.............. do
do pepper, do .... do
do egg plant, do .... do
do Lima beans, do .... do
do pole beans, do .... do
do bunch beans, do .... do
do field peas, do .... do
do garden peas—greatest variety,........ .... do
do pumpkins,.................................Northwestern Farmer.
do squashes,.....................................Prairie Farmer.
do water melons,.................................Valley Farmer.
do melons of any other kind,.....................Ohio Cultivator.
Greatest and best variety of garden seeds,........... do
Greatest and best variety of hay seeds and vegetables,
Journal of Agriculture.

CLASS F.—HAMS, BUTTER, CHEESE.

Ham, cured best,	Diploma.
Ham, boiled best,	do
Best lard—not less than 5 lbs.	do
do butter do	do
do cheese over one year old,	do
do cheese under one year old,	do

CLASS G.—HONEY, SUGAR, CAN FRUITS, ETC.

Best honey, at least 5 lbs,	Diploma.
do peaches—preserved in cans or jars,	do
do tomatoes, do	do
do grapes, do	do
do cherries, do	do
do gooseberries, do	do
do currants, do	do
do quinces, do	do
do any other kind of fruits, preserved in any way,	do
do apple butter,	do
do peach do	do
do plum do	do
do tomato do	do
do melon, do	do
do pumpkin do	do
do sugar from beets,	Journal of Agriculture.
do sugar from Chinese sugar cane,	Country Gentleman.
do molasses from Chinese sugar cane, 1 gallon,	Diploma.
do wheat bread,	do
do rye bread,	do
do sponge cake,	do
do pound cake,	do
do fruit cake,	do
do favor cakes,	do
do collection of fancy cakes,	do
do crackers, 5 lbs.,	do

CLASS H.—FRUITS.

Best apples, summer, fall and winter varieties,	Barry on Fruit.
do apples, seedlings, good varieties,	Thomas on Fruit.
do pears, summer, fall and winter varieties,	Downing on Fruit.
do peaches,	Moore on Fruit.
do plums,	Country Gentleman.
do nectarines,	Journal of Agriculture.
do apricots,	Ohio Farmer.
do quinces,	American Agriculturist.
do grapes, native varieties,	Longworth on the Grape.
do cider, 1 gallon,	Diploma.
do wine, samples made from grapes,	do
do currants or other fruits,	do

CLASS I.—FLOWERS.

Best floral design, arch or wreath,	Diploma.
do dahlia, varieties,	do
do dahlia, display,	do
do roses, varieties,	do
do roses, display,	do
Green house plants, best collection of,	do
Best green house plants in bloom,	do
Cut flowers, most tastefully arranged in vase,	do
Flowers, do do basket,	do
Best boquets, flat, a pair,	do
do round,	do

CLASS J.—IMPLEMENTS.

Best variety of Agricultural implements manufactured by exhibitor,	Ohio Farmer.
do variety exhibited owned in county,	Country Gentleman.
do set of garden tools,	Journal of Agriculture.
do hay forks, 3 in number,	Diploma.
do manure forks do	do
do shovels, 2 in number,	do
do spades, do	do
do hoes, do	do
do rakes, hand, do	do
do ox yokes,	do
do bush scythes,	do
do mowing scythes,	do
do shears for hedges,	do
do do sheep,	do
do grain cradles,	do

CLASS K.—DRILLS AND CORN PLANTERS, ETC.

Best guage, grain drills,	Country Gentleman.
do wheat and small grain guage,	do
do corn and seed planters for horse power,	do
do corn planters do	do
do do for hand power,	do
do reaping machine,	Journal of Agriculture.
do mowing do	do
do reaper and mower combined,	do

CLASS L.—MACHINES, ETC.

Best thrashing machine with separator,	Ohio Farmer.
do do without do	Journal of Agriculture.
do horse power for general purposes,	Ohio Cultivator.
do machine for cutting corn for shocking,	Diploma.
do do husking corn,	do
do corn and cob mill,	Ohio Cultivator.
do corn sheller for horse power,	do
do do hand power,	do

Best fanning mill,	Ohio Cultivator.
do straw cutting machine,	do
do machine for crushing sugar cane,	Journal of Agriculture.

CLASS M.—VEHICLES.

Best wagon for farm,	Albany Cultivator.
do two-horse wagon,	do
do one-horse wagon,	do
do spring wagon, for one or two horses,	do
do carriage for one or two horses,	do
do buggy,	do
do sleigh,	do
do cart,	do

CLASS N.—COOPER'S WARE, TIN WARE, ETC.

Best barrels for flour,	Diploma.
do do liquors or meats,	do
do measures for grain,	do
do wooden ware, assorted,	do
do measures for liquids	do
do tin ware, assorted, best,	do
do cooking stoves,	do
do parlor do	do
do office do	do

CLASS O.—SADDLERS' AND SHOEMAKERS' PRODUCTS.

Best harness for plow,	Diploma.
do do wagon and farm,	do
do do carriage,	do
do saddle for gents,	do
do do ladies,	do
do bridles, halters, &c.,	do
do boots, fine for gents,	do
do coarse for gents,	do
do slippers for gents,	do
do do ladies,	do
do gaiters, boots, for ladies,	do

CLASS P.—NEEDLE WORK, ETC.

Best ornamental needle work, by machine,	Diploma.
do do hand,	do
do do girl under 13,	do
do needle work, plain,	do
do do by girl under 13,	do
do specimens of assorted fancy needle work,	do
do quilts,	do
do counterpanes,	do
do woolen stockings, a pair,	do
do do by girl under 10 years,	do
do do fancy for children,	do

Best pants manufactured in county,	Diploma.
do vest, do do	do
do coat, do do	do

CLASS Q.—MISCELLANEOUS.

Best wind mill,	Albany Cultivator.
do pumps for farm use,	do
do gates,	do
do doors,	do
do shutters,	Diploma.
do sash for windows,	do
do window fastenings,	do
do gate do	do
do wooden screws,	do
do iron do	do
do horse shoes,	do
do horse-shoe nails,	do
do shovel and tongs,	do
do log chains,	do
do trace chains,	do
do lightning rods,	do
do dressed stone,	do
do samples of pressed brick,	do
do do stock brick,	do
do do paving brick,	do
do shingles,	Ohio Cultivator.
do floor plank,	do
do weather boarding,	do
dd collection of native woods,	do
do specimens of bituminous coal found in county,	do
do do cannel do	do

CLASS R.—SWINE.

Best boars over 1 year old,	Country Gentleman.
do under do	do
Best sow over do	Journal of Agriculture.
do under do	Ohio Cultivator.
Best pigs, a litter not less than four from one sow, and not over six months old,	Ohio Farmer.

CLASS S.—SHEEP.

Best buck 2 years old and over,	Ohio Farmer.
do 1 year old and under 2,	Prairie Farmer.
Best ewes 2 years old and over,	Journal of Agriculture.
do 1 year old and under 2,	do
Best fat sheep,	Ohio Cultivator.

CLASS T.—POULTRY.

Best cock and two hens of any distinct breed,	Diploma.
do geese, male and female,	do

Best ducks, male and female,	Diploma.
do turkeys, do	do
do pair of chickens of any breed or age,	do
do lot of poultry,	Journal of Agriculture.

CLASS U.—HORSES FOR DRAFT.

Best stallions 4 years old and over,	Ohio Farmer.
do 3 years old and under 4,	Country Gentleman.
do 2 years old and under 3,	Journal of Agriculture.
do 1 year old and under 2,	Prairie Farmer.
Best gelding 3 years old and over,	Ohio Cultivator.
Best mare 4 years old and over,	Country Gentleman.
do 3 years old and under 4,	Ohio Cultivator.
do 2 years old and under 3,	Prairie Farmer.
do 1 year old and under 2,	do
Best colt under 1 year,	Country Gentleman.

CLASS V.—MATCHED HORSES.

Best matched horses for draft,	Ohio Farmer.
do for carriage,	Journal of Agriculture.

SADDLE HORSES.

Best saddle horse of any age,	Country Gentleman.
do reared and trained in this county,	Journal of Agriculture.

CLASS W.—ROADSTERS.

Best stallion over 4 years,	Ohio Farmer.
do under 4 years,	Ohio Cultivator.
Best mare over 4 years,	Journal of Agriculture.
do under 4 years,	do
Best gelding over 4 years,	Country Gentleman.
do under 4 years,	American Agriculturist.

To be exhibited singly in harness.

CLASS X.—JACKS AND JENNETS.

Best jack 3 years old and over,	Country Gentleman.
do under 3 years,	Prairie Farmer.
Best jennet 3 years old and over,	do
do under 3 years,	do

MULES.

Best pair for farm or draft purposes,	Ohio Farmer.
do for carriage,	Ohio Cultivator.
Best horse or mare 3 years old and over,	Journal of Agriculture.
do 2 years old and under 3,	do
do 1 year old and under 2,	do
do under 1 year,	do
do for saddle,	do
do for buggy,	do

CLASS Y—CATTLE, THOROUGH BRED OF ALL KINDS.

Best bull, 4 years old and over	Country Gentleman.
do 3 years old and under 4	Ohio Farmer.
do 2 years old and under 3	Journal of Agriculture.
do 1 year old and under 2	do
Best cow over 4 years	Ohio Farmer.
do under 4 years	Journal of Agriculture.
Best heifer 2 years old and under 3	Ohio Farmer.
do 1 year old and under 2	Country Gentleman.
Best calf under 1 year	do

CLASS Z.—CATTLE NATIVE AND CROSSES OF ALL KINDS.

Best bull 4 years old and over	Country Gentleman.
do 3 years old and under 4	Ohio Cultivator.
do 2 years old and under 3	Prairie Farmer.
do 1 year old and under 2	Valley Farmer.
Best cow over 4 years old	American Agriculturist.
do under 4 years old	Valley Farmer.
Best heifer 2 years old and under 3	Ohio Cultivator.
do 1 year old and under 2	North Western Farmer.
Best calf under 1 year	Valley Farmer.

CLASS AA.—FAT CATTLE.

Best bullock over 3 years old	Valley Farmer.
do over 2 years old	North Western Farmer.

CLASS BB.—OXEN.

Best one yoke	Country Gentleman.
do two yokes owned by one person	Ohio Cultivator.
do three yokes owned by one person	Valley Farmer.

The Country Gentleman is a weekly paper of 16 pages, published at Albany, New York.

The Journal of Agriculture is same size and published as above, at Chicago, Illinois.

The Ohio Farmer is a double medium weekly, published at Cleveland, Ohio.

The American Agriculturist is published monthly at New York city.

The Ohio Cultivator is a semi-monthly of 16 pp., published at Columbus, Ohio.

The Albany Cultivator is a monthly of 16 pages, published at Albany, New York.

The Prairie Farmer is a monthly of 32 pages, published at Chicago, Illinois.

The Valley Farmer is a monthly of 32 pages, published at St. Louis, Missouri.

The North Western Farmer is a monthly of 32 pages, published at Dubuque, Iowa.

First and second premiums are in all cases awarded when there is competition. All second premiums are diplomas.

The board have adopted the system of awarding no cash premiums; but in all cases agricultural works, periodicals and diplomas. Believing this plan best calculated to create and foster a proper agricultural spirit, it is hoped it will meet with the hearty approval of the farmers and mechanics of Nemaha county.

The committees will be appointed and published, in time before the fair, to notify members thereof.

Agricultural periodicals awarded as premiums will be furnished one year, commencing January 1st, 1859.

Premiums awarded.

HORSES AND MULES.

Best stallion, Jacob Rogers	Ohio Farmer.
do do 2 years old, D. C. Sanders	Prairie Farmer.
do match horses for draft, A. J. Richardson	Ohio Farmer.
do brood mare, A. S. Sunderland	Country Gentleman.
do 3 year old gelding, A. Handley	Ohio Cultivator.
do 2 year old colt, J. L. Combs	do
do 1 year old colt, W. Hall	do
do saddle horse, A. S. Holladay	Country Gentleman.
do buggy do do	do
do pair carriage horses, J. Rogers	Ohio Farmer.
do pair of mules, J. N. Kelly	Valley Farmer.

CATTLE.

Best thorough bred bull, R. W. Furnas	Country Gentleman.
do native bull, J. Strain	Ohio Cultivator.
do thorough bred cow, R. W. Furnas	Prairie Farmer.
do native cow, J. W. Coleman	Ohio Cultivator.
do sucking calf, R. W. Furnas	Albany Cultivator.
do yoke oxen, J. Noel	Prairie Farmer.

SWINE.

Best boar under 1 year old, J. W. Swan	Ohio Cultivator.
do sow do do	do
do sow over two years old, W. Rossell	do
do litter of pigs, W. Rossell	do

FARM PRODUCTS.

Best sod corn, Nixon & Smith	Prairie Farmer.
do old ground corn, Nixon & Smith	do
do wheat, J. Bean	do
do millet, R. W. Furnas	Diploma.
do squaw corn, W. Rossell	do
do sweet corn, J. Hoffman	do
do flour corn, J. N. Kelly	do

MACHINES, WAGONS AND STOVES.

Best thresher and separator, D. C. Sanders	Prairie Farmer.
do horse power, D. C. Sanders	Ohio Cultivator.

Best	farm wagon, A. J. Richardson	Ohio Cultivator.
do	parlor stove, C. Deuser	do

SADDLES, HARNESS, &c.

Best	carriage harness, J. Small	Valley Farmer.
do	wagon harness, J. W. Middleton	Prairie Farmer.
do	saddle, D. J. Martin & Co.	Diploma.
do	gent's slippers, D. J. Martin & Co.	do

BREAD, BUTTER, FRUIT, FLOWERS, &c.

Best	bread, Mrs. C. B. Smith	Albany Cultivator.
do	butter, Mrs. H. B. Strong	do
do	apples, S. R. Summers	do
do	preserved fruits, Mrs. Hoffman	Diploma.
do	sugar cane molasses, Alex. Skeen	Ohio Cultivator.
do	citron butter, Mrs. Hoffman	Diploma.
do	peaches, Mrs. Hoffman	do
do	tomato butter, Mrs. Hoffman	do
do	tomato catsup, Mrs. Hoffman	do
do	native wine, J. Marhon	do
do	display of flowers, Mrs. C. B. Smith	do

VEGETABLES.

Best	sweet potatoes, Jno. Barnes	Albany Cultivator.
do	Irish potatoes, Alex. Skeen	do
do	onions, J. L. Carr	do
do	turnips, S. R. Summers	do
do	beets, J. Hoffman	do
do	parsnips, J. L. Carr	do
do	endive do	do
do	tomatoes, do	do
do	radish, do	do
do	peppers, Z. Clark	do
do	pumpkins, A. Handley	do
do	squash, A. J. Richardson	do
do	Lima beans, J. L. Carr	do
do	field beans, R. J. Whitney	do
do	rice corn, J. L. Carr	do
do	cabbage, J. W. Coleman	do
do	carrots, H. B. Strong	do

POULTRY.

Best	pair Shanghaes, Dan. Lewis	Diploma.
do	coop Shanghaes, J. W. Coleman	do
do	coop banties, J. John	do
do	fan tail pigeon, Wm. Whitney	do

FARM IMPLEMENTS.

Best	prairie plow, W. R. Leach	Prairie Farmer.
do	harrow, H. Bean	Ohio Farmer.
do	shovel plow, H. Bean	Ohio Cultivator.

NEEDLE WORK, &c.

Best needle work, Miss Hoffman	Diploma.
do ottomans, Mrs. S. Belden	do
do worsted mats, Mrs. C. B. Smith	do

MISCELLANEOUS—(BY DISCRETIONARY COMMITTEE).

Best display of hardware, Theodore Hill	Diploma.
do do fancy articles, T. J. White	do
do do ready made clothing, D. J. Martin	do
do fancy wood work, E. Mathieu	do
do oil paintings, Miss Kate Tipton	do
do penmanship, Master T. Nixon, aged twelve years	do
do specimens of printing, Advertiser	do
do do brick, John Clark	do
do cotton wood sash, J. Cooper	do
do telescope gun, O. Stevens	do
do rag carpet, Mrs. O. Stevens	do
do bed quilt, Mrs. Jno. Clark	do
do counterpane, Mrs. J. Noel	do
do specimen hemp, C. B. Smith	do
do can fruits, &c., Hill & Martin (by special committee of ladies)	do
do gent's slippers, Lucinda Wilcox (aged 60 years)	do
do writing desk, W. Rossell	do
do toy bedstead, J. Hamilton	do
do pea nuts grown in the county, Alex. Skeen	do
do segars manufactured in the county, P. Dueser	do
do transit, T. W. Bedford	do
do woolen hose, Mrs. H. B. Strong	do
do cotton hose, Mrs. H. B. Strong	do
do Nebraska made cider, S. R. Summers	do
do embroidery, Mrs. C. E. L. Lolmes	do
do monochromatic pictures, T. J. Favorite	do
do cage canaries, Mrs. C. B. Smith	do
do patent boot-jack, Louis Hill	do

LADY EQUESTRIAN.

Best lady equestrian, Mrs. Barnes	Lady's Book.

FLOUR.

Best flour, J. G. Melvin	Diploma.

Several entries for competition on farm and hedge fencing were made. The committee have not yet made the necessary examination, but will do so the coming week. D. C. Sanders, Pres't.
R. W. Furnas, Sec'y.

The following report of the Douglas County Agricultural Society has been received since my report was made out. R. W. Furnas.

DOUGLAS COUNTY AGRICULTURAL SOCIETY.

Officers.—Enos Lowe, President; H. D. Johnson, Vice-President; Leroy Tuttle, Treasurer; A. D. Jones, Secretary.

Executive Committee.—J. T. Griffin, Jesse Lowe, E. A. Chaplin, C. L. Salisbury, A. Root, R. S. Bryant, L. A. Walker, E. Patrick.

Premiums and Regulations.

Any person may become a member of the society by paying $2 into the treasury.

Members of the Executive and Viewing Committees must be members of the society, and are requested to report themselves to the Secretary at the earliest period, that all vacancies may be filled at a meeting of the Executive Committee to be held on the Fair Ground, at 9 o'clock on the morning of the first day of the fair. Competitors for premiums must become members of the society. No animal or article shall be awarded a premium, part of a premium or any premium if the judges deem it unworthy, though there be no competitor. All stock shall be owned by the person entering the same. All stock or articles to compete for premiums must be entered before 5 o'clock of the first day of the fair. No animals or articles shall be removed from the grounds before the close of the second day without permission of the General Superintendent.

ENOS LOWE, President.

A. D. JONES, Secretary.

Premiums

To be awarded at the Second Annual Fair of the Douglas County Agricultural Society, to be held at Omaha, on Thursday and Friday, October 6th and 7th, 1859.

CLASS 1—CATTLE.

For the best bull three years old or over	$3
2d best do do do	2
Best bull, two years old	2
2d best do	1
Best bull, one year old	2
2d best do	1
Best calf	1
2d best	0.50
Best cow	$3
2d best	2
Best two year old heifer	2
2d best do	1
Best yearling	2
2d best do	1
Best heifer calf	1
Best yoke working oxen, four years old or over	3
2d best do do do	2
Best yoke working oxen, three years old	3
2d best do do	2
Best trained yoke of oxen	3
Best yoke of fat cattle	2

Committee—Rufus S. Bryant, Joseph Sheely, Edwin Loveland.

CLASS 2.—HORSES.

Best stallion,	$5
2d do	3
Best 3 year old stallion,	3
2d do do	2
Best 2 year do	2
2d do do	3
Best yearling stallion,	3
2d do do	2
Best sucking colt,	2
Best brood mare, with colt at her side,	3
2d do do do	3
Best three year old mare,	2
2d do do	2
Best two do	3
2d do do	2
Best pair draught horses,	3
do pair matched carriage horses,	3
2d do do do	2
Best pair horses for all work,	3
do single carriage horse,	3
do trained saddle horse,	2
do single trotting horse,	2
do pair trotting horses,	3
do race horse,	3
do racking horse,	3

Committee—Allen Root, Jesse Lowe, George W. Homan.

CLASS 3.—SHEEP AND SWINE.

Best display of sheep,	3
do display of swine,	3

Committee—John Sheely, J. S. Painter, H. Johnson.

CLASS 4.—FOWLS.

Best pair shanghae fowls,	1
2d do do	0.50
Best pair cochin china fowls,	$1
do pair bantam fowls,	1
2d do do	0.50
Best pair black spanish fowls,	$1
2d do do	0.50
Best pair poland fowls,	$1
2d do do	0.50
Best pair turkeys,	$1
2d do	0.50
Best pair ducks,	$1
2d do	0.50

Committee—Joseph Reese, Henry Howard, N. S. Richardson.

CLASS 5.—PRODUCE AND VEGETABLES.

Best bushel winter wheat,	$1
do do spring wheat,	1
do do buckwheat,	1
do do barley,	1
do do oats,	1
do do potatoes,	1
do do turnips,	1
do three beets,	0.50
do do carrots,	0.50
do do parsnips,	0.05
do twelve ears of corn,	$1
do peck onions,	0.50
do do tomatoes,	0.50
do do cucumbers,	0.50
do watermelon,	0.50
do muskmelon,	0.50
do pumpkin,	0.50
do squash,	0.50
do peck sweet potatoes,	$1
do bushel marrowfat peas,	1
do peck early Kent peas,	1
do bushel of field peas,	1
do peck white beans,	1
do three heads cabbage,	0.50
Greatest variety of vegetables,	$3

Committee—J. T. Griffin, William Orr, Thomas Davis.

CLASS 6.—CULINARY—(*To be exhibited by the manufacturer*).

Best five pounds butter,	1
do 100 lbs. Nebraska flour,	1
2d best 100 lbs. Nebraska flour,	0.50
Best Nebraska cheese,	$1
do two loaves of bread,	1
do gallon syrup,	1
do 15 lbs. sugar,	1

Committee—William Sweesey, M. W. Keith, Philip Chapman.

CLASS 7.—AGRICULTURAL IMPLEMENTS.

Best breaking plow,	1
do stirring plow,	1
do shovel plow,	1
do harrow,	1
do cultivator,	1
do reaper and mower,	5
do thresher and cleaner,	5
do corn planter,	2
do fanning mill,	2
do wheat drill,	3

Best	farm wagon county manufacture,	$2
do	buggy, do	2
do	set wagon harness do	2
do	set carriage harness do	2

Committee—L. A. Walker, Abraham Zoller, A. J. Simson.

CLASS 8.—DOMESTIC MANUFACTURE—(*Ladies*).

Best	bed quilt,	1
do	bed spread,	1
do	bed comfort,	1
do	cut of woolen yarn,	0.50
do	hose yarn,	0.50
do	half-hose,	0.50

Committee—Mrs. Allen Root, Mrs. Henry Howard, Mrs. E. H. Chaplin, Mrs. John S. Painter, Mrs. L. A. Walker.

CLASS 9.—ORNAMENTAL WORK.

Best	specimen ornamental painting made in the county,	$1
do	draft of farm house,	1
do	do barn,	1
do	specimen ornamental printing,	1
do	specimen daguerreotypes, &c.,	1
do	penmanship,	1

Committee—Philip Golay, Peter Windeheim, John A. Parker, Jr.

CLASS 10.—MECHANICAL WORK.

Best	pair gentleman's fine boots,	1
do	do coarse do	1
do	pair of gent's gaiters,	0.50
do	pair of gents' shoes,	0.50
do	pair ladies' gaiters,	$1
do	pair ladies' shoes,	1
do	dress coat,	1
do	business coat,	1
do	vest,	1
do	pair pants,	1
do	horse shoe,	1

Committee—Joseph Fox, William A. Gwyer, John McAusland.

CLASS 11.—LADIES' FANCY WORK.

Best	ladies' bonnet made in county,	1
do	artificial flowers do	0.50
do	embroidery do	$1
do	ladies' painting do	1
do	needle work generally made in county,	1
do	crotchet work do	1

Committee—Mrs. Geo. Bronson, Mrs. Hemon Glass, Mrs. Henry Zoller, Mrs. J. F. Griffin, Mrs. H. D. Johnson.

CLASS 12.—FLOWERS.

Best display of Dahlias,	0.50
do vase of flowers,	0.50
do greatest assortment of colored flowers,	0.50
do bouquet,	0.50

Committee—Mrs. A. R. Gilmore, Mrs. A. D. Jones, Mrs. G. C. Monell, Mrs. T. G. Selden, Mrs. S. E. Rogers.

MISCELLANEOUS ARTICLES.

Discretionary premiums will be awarded on articles not enumerated in the above list.

Committee—T. C. Selden, E. D. Webster, Mrs. O. P. Ingalls, Mrs. O. P. Hurford, Mrs. P. Hugus.

Premiums Awarded.

CATTLE.

Committee—R. S. Bryant, M. F. Shinn.

Best cow, E. Lowe,	$2
2d best do	2
Best 2 year old heifer, J. T. Griffin,	2
2d best do B. H. Chapman,	1
Best yearling heifer, Dr. Lowe,	2
Best yoke work oxen, Jas. Brown,	3

HORSES.

Committee—Allen Root, M. W. Keith, R. S. Bryant, John I. Redeck.

Best yearling stallion, Enos Lowe,	$3
do sucking colt, M. F. Shinn,	2
do 2 year old mare, M. F. Shinn,	3
do do horse, James Brown,	Premium recom.
do pair draft horses, R. S. Bryant,	3
do horses for all work, J. T. Griffin,	3
do single carriage horse, Thos. Acheson,	2
do pair trotting horses, E. Patrick,	3
do racking horse, Wm. Ruth,	3
do trained saddle horse, J. I. Redick,	2

AGRICULTURAL IMPLEMENTS.

Committee.—L. A. Walker, James Brown, R. S. Bryant.

Best stirring plow, O. P. Hurford,	$1
do shovel plow, E. H. Chaplin,	1
do harrow, J. T. Griffin,	1
do cultivator, O. P. Hurford,	1
do fanning mill, do	2
do wheat drill, do	3

FOWLS.

Committee.—O. P. Hurford, H. Glass.

Best pair shanghaes, J. T. Griffin,	$1
do pair bantams, do	1
2d best do do	0.50

GENTLEMEN'S MISCELLANEOUS WORK.

Committee.—A. Root, J. T. Griffin and L. H. Walker.

Best cooking stove, M. Rogers,	$1
do heating do do	0.50

PRODUCE AND VEGETABLES.

Committee.—J. T. Griffin, B. H. Chapman and A. Root.

Best spring wheat, J. T. Griffin,	$1
do oats, do	1
do potatoes, R. S. Bryant,	1
do beets, M. W. Keith,	0.50
do carrots, L. A. Walker,	0.50
do 12 ears corn, J. T. Griffin,	$1
do tomatoes, do	0.50
do cucumbers, Allen Root,	0.50
do pumpkin, James Brown,	0.50
do squash, L. A. Walker,	0.50
do marrowfat peas, J. T. Griffin,	$1
do Kent peas, do	1
do beans, L. A. Walker,	1
do cabbage, W. A. Gwyer.	
Greatest variety of vegetables, J. T. Griffin,	3

DOMESTIC MANUFACTURE.

Committee.—Mrs. Evens, Mrs. Jones, Mrs. Reeves.

Best quilt, Mrs. W. A. Gwyer,	1

MISCELLANEOUS ARTICLES.

Committee.—Mrs. O. P. Ingalls, O. P. Hurford, T. Selden, E. D. Webster.

Best cauliflower, A. Root,	Dip.
do native grass hat, Mrs. W. A. Gwyer,	$1
do child's counterpane, do	0.50
do lounge pillow, Mrs. M. H. Clark,	0.75
do Neb. pie-plant wine, W. A. Gwyer,	$1
do plum jelly, Mrs. F. A. Schneider,	0.50
do manufactured tobacco, A. Root,	Dip.

CULINARY.

Committee.—M. W. Keith, J. I. Redick, E. Lowe.

Best 5 lbs. butter, Mrs. J. T. Griffin,	$1
do 100 lbs. Neb. flour, A. Root,	1

Best two loaves bread, Mrs. J. T. Griffin,	$1
do gallon syrup, A. Root,	1

LADIES' FANCY WORK.

Committee.—Mrs. J. T. Griffin, Mrs. G. C. Monell, Mrs. L. R. Seymour.

Best bonnet, Mrs. Plain,	$1
do crochet work, Mrs. J. T. Griffin,	1
do worsted work, do	1
do silk embroidery, Mrs. McAusland,	1

ORNAMENTAL WORK.

Committee.—Allen Root, J. T. Griffin.

Best specimen ornamental printing, Robertson & Clark,	1
do newel post and bannister, A. McAusland,	Dip.

FLOWERS.

Committee.—Mrs. Jones, Mrs. Monell, Mrs. Selden.

Best display of flowers, Mrs. Griffin,	$1

MECHANICAL WORK.

Committee.—Joseph Fox, W. A. Gwyer, A. McAusland.

Best gent's fine boots, Joseph Fox,	1
do coarse do do	0.50
do fine shoes, do	0.50
Best suit of clothes, L. Ruff,	$3

Report.

The Douglas County Fair was not as well attended, nor supplied with the products of the county as was anticipated by its most sanguine friends and supporters, for the most probable of reasons, that it was held during the most interesting and exciting political campaign which has ever been witnessed here, and being the first regular issue between the two great parties of the country within our Territory.

Probably the scarcity of money also, had some effect in preventing many of our most worthy and experienced exhibitors from presenting their stock and products of the soil, for the examination of our citizens, who were so desirous of witnessing an extensive turnout among the agriculturists and mechanics.

Again, several of our most worthy and active members of the society were candidates for high political positions, which of course drew their attention from the business and interests of the society.

This is considered the Second Annual Fair of this society, although the organization, under the territorial law, has only existed since December 27, 1858.

The society has not yet procured suitable and permanent grounds for the use of the association, but have it in contemplation to purchase a sufficient quantity of land, well and centrally situated, for the accommodation and easy access of the members from all portions of the county.

The first fair was held at Saratoga and the second at Omaha, the grounds for which were only temporarily arranged for the present, and therefore, quite inconvenient, and unsuited to the wants, comfort and satisfaction of both exhibitors and visitors.

The Ladies' Department was neatly and tastefully arranged, under their own orders and control, and embrace much of their own handiwork, which could not be easily excelled by similar superior associations. Upon entering the room, the mind was at once attracted towards a fine display of embroidery and ladies' handiwork, by Mrs. McAusland, Mrs. Griffin and Mrs. Plain, the latter having a fine bonnet of her own manufacture and from her own millinery establishment, and Mrs. Mc Ausland, a nicely worked shawl and collar, &c., whilst Mrs. Griffin exhibited other excellent specimens of needle work. Mrs. Gwyer, besides presenting several pieces of excellent wrought counterpanes, had on the table a well manufactured hat from the native prairie grass which grows so abundantly upon our soil, which is equal in strength and appearance to the best manufactured straw hats made in a similar manner. Mrs. Lucy Glass was also there with her elegantly painted landscape scenery, which attracted considerable attention.

Among others, Mrs. Monell, Mrs. Schneider, Mrs. Root, Mrs. Hurford and Mrs. Clark, had articles on exhibition, which did themselves great credit for their ingenuity, perseverance and intelligence. In the hurry of business, I may have unintentionally overlooked the names of some of the ladies whose industry was the object of so much notice and attraction during the continuance of the fair.

Turning again to the Gentlemen's Department, we noticed a fine suit of clothes, presented by Mr. L. Ruff, a merchant tailor of Omaha, and also a case of boots, shoes and slippers, manufactured by Mr. J. Fox, to both of whom premiums were awarded.

In another portion of the room was to be noticed a very excellent piece of workmanship, in the shape of a stand, but by whom it was manufactured or contributed I did not learn.

Many other meritorious works were on exhibition, which attracted the attention of the visitor to this department.

The peculiarity and arrangement of the flowers added much to the charm which always accompanies their exhibition. Their appearance generally excites much interest and creates lasting impressions.

Among the agricultural implements introduced by O. P. Hurford, we noticed corn planters, plows, drills, straw cutters, hoes, cultivators, fanning mills, threshing machine, &c., all of late and improved patterns and patents.

Mr. Schneider contributed about the same variety of implements, together with a nicely appearing card of pocket knives, which were selected with much care, and arranged in good taste in reference to prices and quality.

Mr. Rogers had a sample of his stoves on exhibition, of a new style, superior to any which has ever been brought to this market, all of which were the source of considerable admiration on the part of the visitors, especially those possessing a knowledge of their advantages.

In the vegetable department were exhibited a great variety of vegetables, contributed by many individuals, some of which can not be excelled in any market. Among the most notable was a quantity of potatoes grown by R. S. Bryant. This crop was the fourth year from the seed. It appears, from their history, that a gentleman in Iowa planted a lot of top seed procured from the Meshanic potatoes, from which he procured a great variety both as to kind and quality. From that unequal and miscellaneous pile he selected the potatoes, the product of which is now on exhibition, 32 of which weigh 31 pounds, and are round, beautiful potatoes, admired by every person who examined them, and are said to be far superior to any ever exhibited to the persons in attendance.

A very fine and extra article of spring wheat flower, from the mills of Mr. Childs, was introduced by Mr. Root, and declared, by good judges, to be a much better article of the kind than had ever been offered in this market.

Mr. Root exhibited a small quantity of sorghum syrup, manufactured by himself, which possessed a pleasant taste. By him we are assured that the raising of the cane can be rendered a very profitable crop in Nebraska. His contribution of several fine specimens of both green and dried tobacco, from his farm, were very large, and shows that this soil is well adapted to that crop.

Mr. E. H. Chaplin has favored me with some of the results of his agricultural experience, in what follows:

The year 1859 has marked a new era in the history of agricultural progress in Nebraska. For the first time the people of our Territory are fed from bread of their own raising; the wheat crop of this year has been one of unexampled good quality and a very good yield; a few fields within my knowledge, of late sowing, were light. The crop being generally spring wheat, the varieties which have been most successful have been Canada club and Liberian. There were no chinch bugs, within my knowledge, this year, and as they are almost the only enemy of these varieties of wheat, it will probably be a safe crop for another year, and, undoubtedly, will be largely sown. Too much importance can not be attached to early sowing; in all cases, when practicable, the ground should be prepared in the fall. The experience of the last three years has demonstrated that the uplands of our Territory are better adapted to the raising of wheat and oats than any other land in the west. The corn crop of this year is good, but not what it might have been had a better system of cultivation been pursued; as the season has been the most favorable for well cultivated corn of any that has occurred for several years. The difficulties have been that the season was as favorable to the growth of weeds as corn, and the ground was last year thoroughly stocked with weed seed, on account of the rainy season; and also the season has been too dry for the shallow plowing we generally practice here. If the land in this county could be plowed twelve inches deep, it would withstand any drouth that would ever be apt to occur; but the farmers of a new country are not many of them supplied with teams sufficient for so great a depth of plowing, nor are they supplied with fences so that weeds can be subdued by pasturing fields with stock. I therefore think the practice of summer fallowing land for the destruction of weeds, and for obviating the evils of drouth, can not be too highly recommended. Let our farmers plant half the usual number of acres, and plant early, and thoroughly prepare the remaining acres for a succeeding crop by fallowing, and they will average raising more corn, with less labor, than they now do. Fall plowing of stubble land is also a great assistant in the destruction of weeds and a help against drouth. There has been considerable land plowed this fall, but to be profitable, it should be done earlier than customary. August is the great month to kill weeds with the plow, and during that month the farmer should push the plow with as much energy as he would in April. The rich bottom lands of this county are apt to be infested with wild morning glories; when these occupy the ground it will never pay to attempt to cultivate hoed crops. The remedy is summer fallowing and August plowing.

Potatoes have suffered some this year from drouth, but to prevent a recurrence of it in future, I have nothing to add to what I have already said with regard to corn.

This season, as well as the one preceding it, has been highly advantageous for the planting of trees and perennial shrubs, and some progress has been made. The great difficulty we have to contend with here, in this kind of culture, is the aridity of our climate. To be successful, we must trench; that is, to prepare a row for shrubbery, the ground should be trenched two feet deep, and the trench filled again with the soil, well mixed with manure. Trenching should be done in the fall, as far as possible, and the dirt thrown out left exposed to the action of the frost and rain through the winter. Those who wish to transplant trees next spring, especially if they are to be on unplowed ground, or in door yards, can not take too much pains to prepare large, deep holes for their trees this fall, and leave them exposed to the action of frost and rain; for, from the fact that the ground is now dry to a great depth, we will probably have an unfavorable spring for transplanting.

I will close with a few lines on the subject of forest trees. The culture of groves is a matter of great importance to our citizens, and one that can not be too strongly urged on their attention, and of all other matters, it is of the most importance that we should begin right. So far the planting of trees here has been confined to locust and cottonwood, but the destruction of cottonwoods on my own farm, by boring worms, has discouraged me from thinking of planting that kind of timber in future. The locust is also subject to its attacks, and will not do to depend on entirely. The white hickory in the timber, is also suffering from its depredations. I would therefore recommend to the attention of those wishing to plant, white ash, red elm and black walnut. Oak should also be planted, but they are apt to winter kill on our prairies, when quite small, if unprotected. It will require some years to raise a grove of hard wood timber, but it will be infinitely more valuable than cottonwood when grown. The growth of timber here appears to be very rapid. I lately counted but sixty-one growths on a black oak stump, two feet and ten inches in diameter, and it frequently occurs that two of these growths are made in one season. I think the best plan for raising such trees as will bear transplanting, is to sow the seed in beds, and when the trees are one or two years old, to plant them in the field in rows, and cultivate the ground as long as possible in hoed crops.

The following will explain in reference to the pie-plant wine introduced by Mr. Gwyer:

Dear Sir—In compliance with your request for a description of the manufacture of wine from the pie plant, I will give a plain statement of the facts connected with it. About the first of August last, in reading the proceedings of the Farmer's club in the New York Tribune, I saw a statement that wine of excellent quality had been produced from rhubarb, commonly known as pie plant; it being extensively used for the purpose of making pies throughout the western states.

As I had a quantity in my garden, I resolved to try the experiment. I cut off the stems from seventeen thrifty plants; these plants had been cropped through the season for pie-making purposes, and therefore the cuttings were not the full product of the plants. The stems filled a good sized bag; I sent them out to Dr. Harvey Link, who has a pair of rollers for the purpose of crushing sorghum, which were admirably adapted to the purpose of crushing the stems and squeezing the juice therefrom. On the first running of the stems through the rollers, all were astonished at the quantity of juice extracted, they were run through a second and third time, yielding a fine proportion of juice; having no means of pressing the pulp or mass of fibers, the residue was left. I have no doubt if the mass could have been submitted to a pressure, a fair amount of juice could have been extracted from it. The juice, on measuring, amounted to eleven quarts; to this was added the same quantity of water, making twenty-two quarts, or five and a half gallons of liquid. I then added sixteen pounds of clarified sugar, and placed it away for fermentation, in ten days it had ceased to ferment, and on trial I found I had an excellent wine; no alcohol was put in it, and I think all who have tasted it will agree with me that it has a sufficient body or strength, without the addition of any alcoholic substance; certain it is that even one wine glass full will produce an exhilerating effect upon the system. The alcohol generated from the fermentation of the juice with half water is sufficiently stimulating for those who do not indulge immoderately in the use of intoxicating liquors. It is my impression that the strength increases by age; it is now about two months since I prepared it, and it is better than when new. As to its properties, I am inclined to think that it is a tonic, and also slightly aperient, but I have not sufficiently experimented to be sure of the latter. If this should prove true, its value as a remedial agent would be very great. To dyspeptics it would be invaluable.

The color is not a clear water color, but resembles water with a slight tinge of milk, any color can be given it, that the manufacturer desires by the application of coloring matter without injury to the wine or imbiber. I colored with burnt sugar which gives a golden hue like Madeira wine.

The flavor resembles champagne after it has ceased effervescence.

Having some curiosity to know its chemical analysis, I have examined a dispensatory and find it is almost the same as that of the grape which yet further convinces me that a valuable substitute for the grape for wine making purposes has been discovered.

As a commercial product adapted to the northern and western country I have a high opinion of it; it will flourish our soil as well as any portion of the Union; it grows rank and luxurious here—will remain in the ground during the winter with little or no injury, and put out its leaves early in the spring and continues to grow until frost. My plants have remained in the ground two winters, and I am not aware that they have been injured. The yield of wine per acre I suppose to be about 2,500 gallons, this is four times as much as the grape will yield in the states favorable to its growth, Missouri for instance. I base this opinion on the quantity extracted from my plants; from seventeen plants I obtained five and a half gallons of wine; if the plants had been preserved for wine making, they could have been cropped four times during the season, and the aggregate yield in that case would have been twenty-two gallons, which is a yield of more than 1¼ gallons to the plant. I think plants of ordinary thriftiness may be relied on to yield one gallon of wine to the season.

I have thus, sir, endeavored to give you a plain statement of facts and opinions in reference to this important discovery, and if it should prove a means of adding to the comfort and wealth of the people of Nebraska, limit the sale of intoxicating and poisonous mixtures by substituting a wholesome beverage; and elevate our citizens in the scale of social progress, I shall feel amply repaid for the time and attention which I have bestowed upon the subject.

From the list of horses and cattle on exhibition the following is selected as among the best brooded:

The premium for *the best yearling stallion*, was awarded to Dr. Lowe for his blooded colt Omaha Chief. And the same gentleman took the premium for *the best brood mare*, on his bay mare Queen, the dam of Omaha Chief. The colt was sired by Sacklowe, an Arabian horse, imported and owned by Keen Richards, of Scott county, Kentucky, who is the great celebrity of the Lexington turf. The mare is thorough bred without one drop of scrub blood, being entirely from such ancestry as McKinney, Roan, California, Ranger, Zelcade, Blackburn, Whip, Ariadria, Leviathan, Giles Scroggins, Old Sir Archy, Clayes, Sir William and Sir Hal, by imported Sir Harry. Both mare and colt are just such stock as will attract the attention of intelligent horse growers of judgment and taste.

The premium for *the best cow* was awarded to Dr. Lowe on his three year old short horned Durham.

And the award for the *second best cow* was in favor of the same gentleman, for a large and extra milker, both as to quality; pedigree not known.

The Doctor also took the premium for the *best yearling heifer*—a large red uncommonly good calf from the last mentioned cow.

Messrs. Griffin, Chapman and Brown had also on exhibition cattle numbered among those entitled to premiums.

The good display of vegetables of choice varieties of most excellent and superior qualities—the collection of live stock, from the full blooded Bantom to the noble steed of foreign origin—the experiments tried successfully upon the products of our Nebraska soil—the extensive and paying results of their husbandman's toil in Agriculture—the future encouraging prospects, all go to show that our agriculturists understand their business and endeavor to profit by that knowledge, assisted by a superior soil and an excellent climate. They have every reason to be encouraged instead of being disheartened. The products of their labor are not only procured in great abundance, but find a ready market in most instances, nearly at their own door with remunerative compensation.

The county is rapidly filling up with an industrious and intelligent class of farmers, who are destined to continue to accomplish what has been so thoroughly commenced by the hardy pioneers who have preceded them.

Notwithstanding a portion of our citizens and early inhabitants ran deeply into speculation at the first settlement of this Territory, the farmers have accomplished much in the way of agricultural improvement.

Horticultural experience has proven that our territory is well adapted to the rearing of all the great varieties of excellent fruits which are known to be raised immediately on our border beyond the Missouri river.

It has been demonstrated this year that all kinds of grain and grasses grow here, to the satisfaction of those who have thoroughly experimented in their production.

Stock raising on our broad and fertile prairies is destined to become an important source of wealth to our citizens; therefore showing the great necessity in procuring the very best blood stock which can be obtained in the commencement, and from which the future emigrant is to be greatly benefited.

Whilst our farmers have evidently done well, it should be their determination to keep constantly in view that their continued efforts to advance their own interest will at the same time develop important improvements. A. D. Jones, Sec'y.

On motion of Mr. Doane,

Five hundred copies were ordered to be printed for the use of the members of the Council.

H. F. No. 75, "A bill for an act to provide for the erection of a bridge across Black Bird creek."

Together with the reports thereto was taken from the table.

Mr. Furnas moved to reject the majority report.

Ayes and nays demanded:

Ayes—Messrs. Cheever, Dundy, Furnas, Little, Porter, Reeves.—6.
Nays—Messrs. Boykin, Collier, Doane, Scott.—4.

Carried.

Mr. Doane moved to postpone the minority report.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Cheever, Doane, Porter, Scott.—6.
Nays—Messrs. Dundy, Furnas, Little, Reeves.—4.

Carried.

Mr. Little moved the bill be indefinitely postponed.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Little, Porter, Reeves.—5.
Nays—Messrs. Boykin, Collier, Doane, Dundy, Scott.—5.

Lost.

Mr. Dundy moved to recommit the bill to a select committee.

Pending which,

Mr. Little moved to postpone the bill until the 1st day of February next.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Little, Porter, Reeves, Mr. President.—6.
Nays—Messrs. Boykin, Collier, Doane, Dundy, Scott.—5.

The bill was postponed.

On motion of Mr. Furnas,

The Council adjourned.

S. M. CURRAN, Chief Clerk.

COUNCIL CHAMBER,
Wednesday, January 4th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Your committee to which was referred

C. B. No. 72, "A bill for an act for the protection of game in the Territory."

Have had the same under consideration, and report it back without amendment and recommend its passage.

T. J. BOYKIN, Chairman.

Report adopted.

The committee to which was referred

C. B. No. 70, "A bill for an act to define the boundaries and locate the seat of justice of Wager county."

Have had the same under consideration, and report it back without amendment, and recommend its passage. JOHN R. PORTER.

Report adopted.

House of Representatives,
Wednesday, January 4th, 1860.

Mr. President:

I am instructed to solicit the concurrence of your honorable body in the following bills, which have passed the House:

H. F. No. 3, substitute, "To frame a constitution and state government for the state of Nebraska;"

H. F. No. 86, "To incorporate the city of Arago in Richardson county."

I have the honor to return to your honorable body

C. B. No. 30, "To organize and define the boundaries of Morton county in Nebraska Territory, and locate the county seat thereof;"

Also,

C. B. No. 10, substitute, "To authorize the transfer of certain taxes to the counties in which they were collected;"

The same having passed the House without amendment.

I have also the honor to return to your honorable body

C. B. No. 34, "To define the boundaries and locate the county seat of justice of Shorter county;"

Also,

C. B. No. 32, "To organize and define the boundaries of Wilson county in Nebraska Territory, and locate the county seat thereof;"

The same having passed the House, with the amendments thereto attached. J. W. Moore, Chief Clerk.

The Committee on Engrossed and Enrolled Bills ask leave to report, that

C. B. No. 54, "An act to incorporate the Fort Calhoun and Iowa ferry company,"

Is correctly engrossed.

Mr. Reeves moved that C. B. No. 54 be recommitted to the Committee on Corporations.

Carried.

Your committee to whom was referred

H. F. No. 77, entitled "An act to authorize Otoe county to subscribe and take stock in any rail road in Fremont county, Iowa,"

Have had the same under consideration, and hereby report the same back to the Council without amendment and recommend its passage.

J. H. Cheever.

Report adopted.

Mr. Furnas introduced

C. B. No. 76, "A bill for an act to amend an act entitled 'An act to incorporate the Brownville library, lyceum and literary association.'"

Bill read first and second time.

On motion,

Bill read third time.

Passed and title agreed to.

H. F. No. 86, "An act to incorporate the city of Arago in Richardson county,"

Read first and second time,

And referred to Committee on Corporations.

H. F. No. 3, "A bill for an act to frame a constitution and state government for the state of Nebraska,"

Read first and second time,

And laid upon the table for the time being.

C. B. No. 3, "A bill for an act to regulate the interest on money,"

Being the special order at this time, it together with the substitute and reports thereto, were taken from the table.

On motion,

H. F. No. 27, "An act to regulate and establish the rate of interest on money and on contracts,"

Was also taken from the table.

Mr. Cheever moved that the original Council bill and the House bill be indefinitely postponed.

Mr. Reeves called for a division of the question.

Question recurring upon the motion to indefinitely postpone the original bill.

Carried.

Question recurring upon the motion to indefinitely postpone H. F. No. 27.

The ayes and nays were demanded.

Ayes—Messrs. Boykin, Collier, Cheever, Doane, Furnas, Porter, Scott.—7.

Nays—Messrs. Dundy, Reeves.—2.

Carried.

Call of the House demanded.

Messrs. Furnas and Little absent.

Sergeant-at-Arms dispatched after absentees.

On motion,

Further proceedings under the call dispensed with.

Mr. Porter moved to indefinitely postpone the substitute.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Porter, Scott.—4.

Nays—Messrs. Boykin, Collier, Doane, Dundy, Reeves.—5.

Lost.

On motion,

The Council resolved itself in a Committee of the Whole to consider the substitute.

Mr. Dundy in the chair.

After remaining sometime therein the committee rose and reported the bill back without recommendation.

Mr. Reeves moved that the bill be read third time and put upon its passage.

Mr. Cheever moved to indefinitely postpone the bill.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Porter, Scott.—3.
Nays—Messrs. Boykin, Collier, Doane, Furnas, Little, Reeves.—6.

Lost.

Mr. Cheever moved to postpone the bill until the first day of March.

Mr. Little moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Doane, Furnas, Little, Reeves, Mr. President.—6.
Nays—Messrs. Collier, Cheever, Dundy, Porter, Scott.—5.

Carried.

Mr. Cheever moved to recommit the bill to a select committee of three.

Mr. Reeves moved to lay the motion on the table.

Ayes and nays were demanded.

Ayes—Messrs. Boykin, Doane, Furnas, Little, Reeves, Mr. President.—6.
Nays—Messrs. Collier, Cheever, Dundy, Porter, Scott.—5.

Carried.

Mr. Cheever moved to adjourn.

Lost.

EXECUTIVE CHAMBER,
Omaha, January 4th, 1860.

To the Council:

Mr. President:

The Governor instructs me to inform your honorable body that he has signed and approved the following bills:

"An act to incorporate Kearney city in Kearney county,"

"An act to incorporate the Brownville hydraulic gas light and coke company."

JOHN MCCONIHE,
Private Secretary.

Mr. Reeves moved that

C. B. No. 3, substitute, "A bill for an act to amend an act entitled 'An act relative to money of account and interest,' approved March 4th, 1855."

Be read a third time and put upon its passage.

Upon which motion Mr. Doane moved the previous question.

Question was now shall the main question be put.

Carried.

Qestion recurring upon the main question, it was

Carried.

Bill read third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Boykin, Collier, Doane, Furnas, Little, Reeves.—6.
Nays—Messrs. Cheever, Dundy, Porter, Scott.—4.

Bill passed.

On motion,

Title agreed to.

C. B. No. 70, "A bill for an act to define the boundaries and locate the seat of justice of Wager county."

Read third time.

Mr. Reeves moved to amend by striking out the word "Wager" and insert "Wakely."

Ruled out of order,

Mr. Doane moved that the bill be recommitted to the committee with instructions to so amend.

Lost.

On motion,

Bill passed and title agreed to.

C. B. No. 67, "A bill for an act to prevent trespassing on timber lands,"

Was on motion of Mr. Doane,

Recommitted to the Committee on Judiciary.

On motion of Mr. Scott,

Leave of absence for the day was granted to Mr. Collier.

The following report from the School Commissioner was received:

Office of Commissioner of Common Schools,
Omaha City, N. T., January 3d, 1860.

To the Honorable the Council and House of Representatives of Nebraska:

In accordance with the requirements of section 52 of an "Act providing for the better regulation of schools in Nebraska," approved Nov. 4th, 1858, I have the honor to submit the Annual Report of the School Department.

On assuming the duties of my office, I addressed a circular to the clerk of each organized county in the Territory, calling for an early report upon the condition of schools in their respective counties. Nearly all have responded to the call, and the accompanying documents are the result.

Much difficulty has been experienced in the organization of our common school system, from the indefiniteness of the word "township," in the law; and as there are no civil or municipal townships in the Territory, and no law for their organization, but little could be done outside of the incorporated cities and towns; consequently, a full enumeration of scholars has not been taken in the rural districts. As it would manifestly be unjust to distribute the school moneys collected during the past year—as provided for in section 34 of the law—upon the partial enumeration reported to this office, the time for making the full returns should be extended.

The amendments which have recently passed the Council, should they become a law, will remedy the above, and other defects in and objections to the law, as it now stands.

The amount of taxes due the territorial school fund for 1859, on the assessment rolls returned to the Territorial auditor, as provided for in section 60, is fifteen thousand, two hundred and sixteen dollars and sixty cents ($15,216.60), and is made up as follows:

Counties.	
Burt,	$280.54
Cass,	2,192.15
Cedar,	37.41
Dakota,	216.49
Dixon,	64.93
Dodge,	318.89
Douglas,	6,318.10
Johnson,	135.90
Nemaha,	987.68
Otoe,	2,375.85
Richardson,	408.79
Platte,	47.89
Sarpy,	1,069.60
Washington	762.38
Total,	$15,216.60

I am informed that there are other counties from which a school tax is due, though I am not informed as to the amounts.

There should be due in the several counties, for poll tax, license fees, ferry charter fees, fines, &c., an aggregate of nearly, if not above $10,000, or, say, a grand total of twenty-five thousand dollars ($25,000), to be applied to educational purposes, exclusive of local taxes for building and furnishing school houses, supplying deficiencies, &c. No library tax has been collected, as far as I can learn, in any of the counties.

The report of Wm. R. Craig, former superintendent of common schools in Otoe county, shows that he has paid—though he does not state the amount—a sum for attorneys' fees, in contesting fraudulent entries of school lands, and has agreed to pay a contingent fee of $300 more, in another case. I am unable to find any authority of law for such a disbursement of school funds. There should be some one authorized to settle the accounts of county superintendents under the old law.

Several instances have been brought to my notice, of the fraudulent entry of very valuable school lands, which might be reclaimed to the school fund, if there were any way provided for the payment of the necessary expenses of suits brought for their recovery. In other instances, school sections have been stripped of valuable groves of timber, which might have been prevented, had there been any person authorized to look to the matter, and disburse money for the protection of school lands. I would, therefore, respectfully suggest that a memorial be presented to Congress, asking the present use of the school lands, on condition that the Territory protect them from depredation. Could we get control of the school lands for the purpose of renting them, I doubt not that a very handsome revenue might be derived therefrom.

I have opened a correspondence with several of the state superintendnets of public instruction, with a view of acquiring for our Territory the benefits of their longer experience in the cause of popular education.

I have received, from several publishers of school books, copies of their publications, and have been offered more by others. As soon as I can obtain the different series of common school books, I shall call together a committee of teachers and submit them to their examination, with a view to recommending a uniformity of text books in the Territory, as it is highly desirable that the best series should be adopted in the commencement of our common school system.

I have had the pleasure of visiting several of the public schools in the city of Omaha and found them in a prosperous condition.

The reports from Nemaha, Cass, Douglas, Washington, Otoe, Dixon, and other counties are very creditable and encouraging taking into consideration that this is the first year of the law, and the seeming difficulties in organizing under it. All of the counties seem determined that before another year is out a much more prosperous condition of schools shall be shown, provided the Legislature will aid them by enacting such amendments as will enable them to fully organize their school districts.

It is to immigration that we look for the means of developing the resources and prosperity of our Territory; and that we can only secure by showing the immigrant that we pay some regard to the welfare and happiness of our people. Almost the first question asked by the better class of immigrants are in regard to the schools; for but very few would be willing to surrender the advantages of an education for their children, for the other advantages to be found here, considering *that* paramount to all others; and that upon good schools, more than anything else, depends the welfare, happiness and prosperity of the county.

All of which is respectfully submitted,

William E. Harvey, Com'r
of Com. Schools for Neb.

Abstract of County Reports.

NAME OF COUNTY.	Number of Children between the ages of five and twenty-one years.		Number of Children who have attended School during the past year.		Number of Teachers.		Number of Schools.	Number of School houses.	Days School has kept.	Average attendance.	Number of Vols. in Libraries.	Number of Select Schools.	Value of School houses.
	Males.	Females.	Males.	Females.	Males.	Females.							
Burt,[1]	....	....	....	....	....	....	..	..	....	....	..	..	....
Cass,[2]	558	521	175	200	7	8	6	8	....	192	..	8	....
Cedar,[3]	....	....	....	....	....	....	..	..	....	....	..	2	....
Cuming,[4]	....	....	....	....	....	....	..	..	....	....	..	..	....
Dixon,	32	34	19	21	2	1	3	..	....	40	..	..	....
Dodge,	90	75	15	25	....	2	2	..	84	....	..	..	....
Douglas,	448	568	134	153	2	4	4	5	182	....	..	..	....
Gage,[5]	....	....	....	....	....	....	..	..	....	....	..	..	....
Johnson,[6]	....	....	....	....	....	....	..	..	....	....	..	..	....
L'eau-qui-Court,[7]	....	....	....	....	....	....	..	..	....	....	..	..	....
Monroe,	9	8	....	....	....	....	..	..	....	....	..	..	....
Nemaha,	297	266	205	204	7	2	6	..	487	....	..	..	$1300
Otoe,	661	626	31	35	....	2	2	1	140	45	..	..	....
Platte,	....	....	....	....	....	....	..	..	....	....	..	..	....
Richardson,	37	38	....	....	....	....	..	..	....	....	..	..	....
Sarpy,[8]	84	75	....	....	1	1	2	..	....	....	..	..	600
Washington,[9]	183	157	49	44	1	2	4	1	213	....	..	..	....
Total,	2399	2368	628	682	20	22	29	15	....	277	..	10	$1900

County Reports.

Burt County.

No action whatever has been taken in this county in relation to the "Act for the better regulation of schools in Nebraska."

(Signed.) J. R. Conklin,
Co. Clerk, Burt county.

Cedar County.

There has been only two schools kept, as yet, in the county, and those were private schools. (Signed.) Wm. N. Collamer,
Co. Clerk, Cedar co.

Cuming County.

As yet there are no schools in this county, the inhabitants are so much scattered that it is hard to make up a school, but there will be one at this place (West Point), within one year.

(Signed.) J. C. Crawford, Co. Clerk, Cuming co.

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[1] No action taken in county.
[2] One organized district in county.
[3] But two schools, those private.
[4] One school to be formed within a year.
[5] No tax raised and nothing done in regard to schools.
[6] One township organized; schools so far have been supported by subscription.
[7] No returns received by clerk; private schools only as yet in county.
[8] No full returns.
[9] Precincts regarded as townships.

Cass County.

NAME OF DISTRICT.	No. of youth between 5 and 21 years of age residing in the several dist's of the county.		Number of youth who have attended School during the past year.		Number of Teachers.		Number of Schools.	Number of School houses.	Days School has kept.	Average attendance.	Number of Vols. in Library.	Value of Apparatus.	Number of Select Schools.
	Males.	Females.	Males.	Females.	Males.	Females.							
Plattsmouth,...........	....	....	....	...	....	....	..	..	....	....	..	..	.....
District No. 1,...........	558	521	175	200	7	8	6	8	*	192	*	*	8

The above is correct as reported to me, and as the returns in my office show. There is but one regularly organized district in the county, county, and the rest of the county is attached to it for school purposes.

Witness my hand and seal of office this twentieth day of December, A. D. 1859. (Signed.) D. H. Wheeler,
Co. Clerk, Cass county.

Dixon County.

NAME OF TOWNSHIP DISTRICT.	No. of Children between the ages of 5 and 21 y'rs residing in the several dis'ts in the county		Number of Children who have attended School during the past year.		Number of Teachers.		Number of Schools.	Number of School houses.	Days School has kept.	Average attendance.	Value of Apparatus.	Number of Select Schools.
	Males.	Females.	Males.	Females.	Males.	Females.						
Ponca District No. 1; Town 30 N., R. 6 E.,..	11	12	7	8	....	1	1	..	Summer.	15	..	.....
Dixon District No. 2; Town 32 N., R. 4 E.,..	21	22	12	13	2		2	..	Winter.	25	..	.....
Total,...........	32	34	19	21	2	1	3	..	....	40	..	.....

School Books in Use.—Webster's Elementary Spelling Book and McGuffie's Readers.

I hereby certify that the foregoing statement is true and correct, and contains all the information that is on file in my office. I am aware of there being a private school at Ponca, this summer, but the Directors have not returned any statement to my office about the school or number in attendance, &c., &c. Also that there were two schools in Dixon precinct; but there is no information about their attendance or schools in my office.

Witness my hand this 24th day of November, A. D. 1859.
(Signed.) Edward Serry, Co. Clerk, Dixon co.

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* No report.

Dodge County.

NAMES OF DISTRICTS.	No. of Children between 5 and 21 yr's of age residing in the several dis'ts in the county.		Number of Children who have attended School during the past year.		Number of Teachers.		Number of Schools.	Number of School houses.	Days School has kept.	Average attendance.	Number of Vols. in Library.	Value of Apparatus.	Number of Select Schools.
	Males.	Females.	Males.	Females.	Males.	Females.							
Fontanelle, ...	49	40	15	25	....	1	1	..	84	....	..	..	....
Fremont, ...	22	18	....	....	....	1	1	..	....	....	..	..	....
Albion, ...	11	9	....	....	....	....	..	..	....	....	..	..	....
North Bend,............	8	8	....	....	....	....	..	..	....	....	..	..	....
Total,...............	90	75	15	25	....	2	2	..	84	....	..	..	....

Text-Books Used.—Same as recommended by the Territorial Commissioner.

Receipts, none. Payments, none.

The Fontanelle district has annexed to it for school purposes all the territory embraced within the limits of township No. 18, north, in ranges 8 and 9, east of the sixth principal meridian.

(Attest.) JOHN RAY,
Co. Clerk, Dodge county.

Douglas County.

NAME AND NUMBER OF TOWNSHIP DISTRICT.	No. of Children between the ages of 5 and 21 yr's residing in the several dis'ts in the county		Number of Children who have attended School during the past year.		Number of Teachers.		Number of Schools.	Number of School houses.	Days School has kept.	Average attendance.	Number of Vols. in Library.	Value of Apparatus.	Number of Select Schools.
	Males.	Females.	Males.	Females.	Males.	Females.							
No. 1, Omaha, ...	250	275	125	142	1	3	4	3	30	....	..	..	....
2, Walker's, ...	19	17	7	9	....	1	..	..	132	....	..	..	....
3, Brewster's,........	16	12	....	....	....	....	..	..	....	....	..	..	....
4, Saratoga, ...	18	11	....	....	....	....	..	..	....	....	..	..	....
5, Florence,........	123	135	....	....	....	....	..	..	....	....	..	..	....
6, Griffin's, ...	8	5	....	....	....	....	..	1	20	....	..	..	....
7, Chicago, ...	14	13	2	2	1	....	..	*1	....	....	..	..	....
Total, ...	....	....	....	....	....	....	..	..	....	....	..	..	....

Text-Books Used.—Sanders' Readers and Spellers, Smith's Grammar, Parker's Philosophy, Cutter's Physiology, Porter's Chemistry, Arnold and Bullions' Greek Gram-

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* Under contract.

mar, Davies' Mathematics, Willard's Histories, Monteith and McNally's Geographies, Fulton and Eastman's Bookkeeping and Penmanship, Bullions' Latin Grammar.

(Signed.) J. W. VAN NOSTRAND.
Co. Clerk, Douglas county.

Gage County.

Nothing has been done in this county in regard to schools, that has ever come to my knowledge. We have never been able to raise any tax, and the county is so sparsely settled that it is impossible at this early day, to support a school in our county. We hope, however, next year to make a more favorable report of the condition of common schools in Gage county. (Signed.) NATHAN BLAKELY,
Co. Clerk, Gage county.

Johnson County.

We have as yet had no schools under the school law, consequently I can make no report. We have one township organized for school purposes; but our schools, so far, have all been supported by subscription. (Signed.) JOSEPH SAUNDERS,
Co. Clerk, Johnson county.

L'eau-qui-Court County.

No returns have been received from any township in the county. As yet none but private schools have been established in this county. We hope to organize a Board of Education next spring.
(Signed.) R. W. HAGAMAN, Co. Clerk,
L'eau-qui-Court county.

Monroe County.

Cleveland district No. 1.—No of children between the ages of 5 and 21 years, residing in the several districts in the county; males, nine; females, eight.

I do hereby certify that the above is a true and correct copy of the returns required to be made by me, by the 37th section of an act entitled "An act to provide for the better regulation of schools in Nebraska," approved November 4th, 1858.

In testimony whereof, witness my hand and the official seal of the county of Monroe, Nebraska Territory, hereunto affixed at Monroe, this 16th day of December, A. D., 1859.

(Signed.) EDWARD A. GERRARD,
Co. Clerk, Monroe county.

Nemaha County.

NAME AND NUMBER OF DISTRICTS.	No. of Children between the ages of 5 and 21 y'rs residing in the several dist's in the county		Number of Children who have attended School during the past year.		Number of Teachers.		Number of Schools.	Number of School houses.	Days School has kept.	Average attendance.	Value of Apparatus.	Number of Vols. in Library.	Value of School houses.
	Males.	Females.	Males.	Females.	Males.	Females.							
Township No. 5 North, of Range No. 15 East:													
Sub-district No. 1,......	29	33	6	12	....	1	1	..	60	....	..	..	.....
2,......	13	10	9	12	....	1	1	..	60	....	..	..	.....
3,......	12	15	10	11	1	....	1	..	50	....	..	..	.....
Total in Town. Dist.,	54	58	25	35	1	2	3	..	170	....	..	..	.....
Township No. 6 North, of Range No. 14 East:[1]													
Sub-district No. 1,......	26	27	4	9	1	....	..	..	75	....	..	..	.....
2,......	16	9	....	....	....	....	..	..	....	....	..	..	.....
3,......	9	6	....	....	....	....	..	..	....	....	..	..	.....
Total in Town. Dist.,	51	42	4	9	1	....	..	..	75	....	..	..	.....
Nemaha City:[2]													
District No. 3,........	48	40	32	34	1	....	1	..	86	....	..	..	$500
Brownville School Dist.,	100	87	100	87	4	....	2	..	156	....	..	..	800
Peru:													
District No. 6,...... ..	44	39	44	39	....	....	..	..	....	....	..	..	.....
Total in County,....	297	266	205	204	7	2	6	..	487	....	..	..	$1300

The above is a true copy of the returns made to this office, all of which is respectfully submitted; and I do hereby certify to their correctness.

In witness whereof, &c., &c.

(Signed.) T. W. BEDFORD,
Co. Clerk, Nemaha county.

Otoe County.

I, Henry R. Newcomb, county clerk of Otoe county, Nebraska territory, do hereby certify the following to be a true and correct abstract of the enumeration of children, and of school statistics, as returned to me from the above designated town districts in Otoe county, Nebraska Territory, for the year A. D. 1859.

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[1] *Text-Books Used.*—McGuffie's Readers, Webster's Spellers, Ray's Arithmetic, McGuffie's Primer.

[2] McGuffie's Readers and Spellers, Ray's Arithmetics, Mitchell's Geographies.

Given under my hand, and the seal of the court of said county, this 16th day of December, A. D. 1859.

(Signed.) **Henry R. Newcomb,**
Co. Clerk, Otoe county.

NUMBER OF DISTRICT.	No. of Children between the ages of 5 and 21 y'rs residing in the several dis'ts in the county		Number of Children who have attended School within the past year.		Number of Teachers.		Number of Schools.	Number of School houses.	Days School has kept.	Average attendance.	Number of Vols. in Library.	Value of Apparatus.	Number of Select Schools.
	Males.	Females.	Males.	Females.	Males.	Females.							
District No. 1,	246	*263	....	....	....	....	..	..	....	....	..	..	.....
2,	46	*54	....	....	....	....	..	..	....	....	..	..	.....
3,	61	*41	....	....	....	....	..	..	....	....	..	..	.....
4,	53	55	15	18	....	1	1	1	60	20	..	..	.....
5,	45	†60	....	....	....	....	..	..	....	....	..	..	.....
6,	30	†22	....	....	....	....	..	..	....	....	..	..	.....
7,	40	36	16	17	....	1	1	..	80	25	..	..	.....
8,	24	†28	....	....	....	....	..	..	....	....	..	..	.....
9,	41	26	....	....	....	....	..	..	....	....	..	..	.....
10,	30	17	....	....	....	....	..	..	....	....	..	..	.....
11,	45	24	....	....	....	....	..	..	....	....	..	..	.....
Total in County,	661	626	31	35	....	2	2	1	140	45	..	..	.....

Text-Books Used.—Supposed to be too numerous to mention.

Richardson County.

Town district No. 1.—No of children between the ages of 5 and 21 years, residing in the several districts in the county: males, 37; females, 38. (Signed.) **A. J. De Shazo,**
Co. Clerk, Richardson county.

Sarpy County.

In pursuance of law, I herewith transmit the following report of the condition of schools in this county: School district No. 1, embracing township No. thirteen (13), range 12, have only returned a list of the scholars between the ages of 5 and 21 years, certified to by the township clerk.

Township No. 12, range 11, is in the same condition; District No. 6, embracing the city of Bellevue with the territory annexed thereto for school purposes, held a school meeting on the first Monday of March, and elected local directors who were duly qualified according to law; There has been no report made by the teachers in this school district.

*** No farther report under present law.**

† No farther report.

An enumeration of scholars between the ages of 5 and 21 years, was returned certified by one of the board of directors.

There is another district with school house, where a school has been in operation during last summer and fall. They have made no report.

The following is the number of scholars in the several school districts, as returned to me:

NAME OF DISTRICT.	No. of Children between the ages of 5 and 21 y'rs residing in the several dist's in the county		Number of Children who have attended School during the past year.		Number of Teachers.		Number of Schools.	Number of School houses.	Days School has kept.	Average attendance.	Number of Vols. in Library.	Value of Apparatus.	Value of School houses.
	Males.	Females.	Males.	Females.	Males.	Females.							
T. 13 N., R. 12 E., ...	20	11	....	....	....	....	..	..	....	....	..	..	.....
T. 12 N., R. 11 E., ...	29	31	....	....	1	....	1	..	....	....	..	..	.....
City of Bellevue, ...	35	33	....	....	1	....	1	..	....	....	..	..	$600
Total in County, ...	84	75	....	....	2	....	2	..	....	....	..	..	$600

The other requirements of the law have not been complied with, partly owing to the complicated state of the law, and also the insufficiency of funds to meet said requirements.

(Signed.) Stephen D. Bangs,
Co. Clerk, Sarpy co.

Washington County.

NAME AND NUMBER OF TOWN DISTRICT.	No. of Children between the ages of 5 and 21 y'rs residing in the several dist's in the county		Number of Children who have attended School during the past year.		Number of Teachers.		Number of Schools.	Number of School houses.	Days School has kept.	Average attendance.	Number of Vols. in Library.	Value of Apparatus.	Number of Select Schools.
	Males.	Females.	Males.	Females.	Males.	Females.							
Cuming City Precinct.													
District No. 1, ...	25	30	....	....	....	....	1	..	....	....	..	..	....
De Soto Precinct.													
District No. 1, ...	54	43	26	17	1	....	1	..	73	....	..	..	....
Ft. Calhoun Precinct.													
District No. 5, ...	12	10	....	....	....	....	..	..	....	....	..	..	....
6, ...	44	39	23	27	....	2	2	1	140	....	..	..	....
7, ...	1	1	....	....	....	....	..	..	....	....	..	..	....
8, ...	17	13	....	....	....	....	..	..	....	....	..	..	....
Richland Precinct, ...	30	21	....	....	....	....	..	..	....	....	..	..	....
Rockport Precinct.[1]													
Total in County, ...	183	157	49	44	1	2	4	1	213	....	..	..	....

[1] Not reported.

I may add by way of explanation, that the foregoing statement is made presuming that "township," as expressed in the law, must be construed to mean "precinct" in its application, as we have no other civil township boundaries here. Great delay and difficulty has resulted in this county, in procuring reports from the local officers, owing to a misapprehension as to what constitutes a "township." Many believing that township, as referred to by the law, had reference to Congressional township boundaries.

(Signed.) Elam Clark,
Co. Clerk, Washington Co.

Report of Wm. R. Craig,

Former Superintendent of Common Schools in Otoe county.

Nebraska City, November 1st, 1859.

J. H. Kellum, Esq.,
Superintendent Public Instruction:

Dear Sir—I herewith submit a statement of the condition of the school fund of this county, and the progress that has been made in establishing schools in this county. The settled portion of the county was districted by me, and elections held for the officers necessary, but few of them performed the duties for which they were elected. Six of the districts built school houses; some of them are quite creditable for a new country. The school fund for 1857, was so small ($150), that it was but little inducement to exertion to secure it. The school tax for 1858 was greater. Some fines would have found their way into the school fund, if in the passage of the license law the legislature had not left off a saving clause, for the law repealed, by which oversight the schools of this county lost about one thousand dollars.

I submit a statement of the moneys received and paid out by me:

Received of the Treasurer, in 1857,		$98.00
do.	J. B. Boulware,	30.00
do.	Treasurer, in 1858,	153.50
do.	J. B. Boulware,	30.00
do.	Treasurer, Feb., 1859,	225.00
		$536.50
I have paid up to this date to district treasurers, and for attorney's fees in contested cases of entries of school lands,		$494.50
Leaving a balance in my hands of,		$42.00

I have agreed to pay a contingent fee of $300 to Young and Niles of Washington city, on their getting cancelled the entry of L. Kelly, of the south ½ of the N. E. ¼ of section 16, which is very valuable from its proximity to this city.

The resources for schools for 1860, this year, are as follows:

Amount in treasurer's hands, and delinquent taxes for 1858,	$633.00
Tax list for 1859, at 1½ mills,	2,500.00
Fine of George Boulware paid to treasurer,	50.00
	$3,183.00
There is in the hands, or has been collected by the city for liquor license, about,	2,000.00
Which the city authorities refuse to surrender. Suit has been brought against them for the amount, which if recovered, will swell the total to over,	5,000.00
There is, in addition, due from Boulware on his Ferry charter,	30.00

Besides some fines that will probably be made.

(Signed). Wm. R. Craig, Sup't
Common Schools for Otoe County.

On motion of Mr. Furnas,
500 copies were ordered to be printed for the use of the Council.

The Committee on Engrossed and Enrolled Bills ask leave to report that

C. B. No. 8, "An act to incorporate the Platte river bridge and ferry company," is correctly enrolled. M. S. Reeves, Chairman.

C. B. No. 72, "A bill for an act to protect game in the Territory."
Mr. Reeves moved to amend by striking out "the first of February" and insert "the first of March."
Carried.
The bill read third time.
Ayes and nays demanded.

Ayes—Messrs. Boykin, Doane, Furnas, Porter, Reeves, Scott.—6.
Nays—Messrs. Dundy and Little.—2.

Passed and title agreed to.
H. F. No. 77, "An act to authorize Otoe county to subscribe and take stock in any rail road in Fremont county, Iowa."
Read third time.
Ayes and nays demanded upon its passage.

Ayes—Messrs. Boykin, Cheever, Doane, Little, Scott.—5.
Nays—Messrs. Dundy, Porter, Reeves.—3.

Passed.
On motion,
Title agreed to.
Mr. Furnas gave notice of a bill providing for the organization of Ferguson, Wakely and Nuckolls counties."
C. B. No. 21, "A bill for an act for a homestead exemption."

Read third time.

Mr. Furnas moved that the bill be recommitted to the Committee on the Judiciary.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Little.—3.

Nays—Messrs. Boykin, Doane, Dundy, Porter, Reeves, Scott.—6.

Lost.

Mr. Dundy moved to lay upon table.

Lost.

Mr. Dundy moved to reconsider the vote by which the bill was read third time.

Mr. Doane moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Doane, Porter, Reeves, Scott.—5.

Nays—Messrs. Cheever, Dundy, Furnas, Little.—4.

Carried.

Ayes and nays demanded upon the passage of the bill.

Ayes—Messrs. Boykin, Doane, Porter, Reeves, Scott, Mr. President. —6.

Nays—Messrs. Cheever, Dundy, Furnas, Little.—4.

Bill passed.

On motion,

Title agreed to.

Mr. Doane moved to reconsider the vote by which the bill was passed.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Cheever, Doane, Dundy, Furnas, Porter, Reeves, Scott—8.

Nays—Mr. Little.

Carried.

Mr. Reeves moved to recommit the bill to the Judiciary Committee, with instructions to report a provision securing to debtors the benefit of the law of 1855.

Carried.

Message from the House, together with

C. B. No. 32, "A bill to organize and define the boundaries of Wilson county in Nebraska," and

C. B. No. 34, "A bill to define the boundaries, and locate the seat of justice of Shorter county."

For a concurrence in the amendment by the Council, or their rejection, were taken from the table.

Mr. Scott moved to concur in the amendments to C. B. No. 34.

Lost.

Mr. Scott moved to concur in the amendments to C. B. No. 32.

Carried.

Mr. Boykin moved to reconsider the vote by which the Council refused to concur in the amendments of the House to C. B. No. 34.

Carried.

On motion,

The Council concurred in the amendments.

Mr. Dundy introduced

C. B. No. 77, "Joint resolution for the determination of the claims of the Code Commissioners of 1855 and their clerks."

Read first time.

Mr. Dundy offered the following resolution:

Resolved, That the Territorial policy of the national administration, as enunciated in the annual message of the executive, is unjust, absurd, and highly injurious to the rights of the people of the territories, and that it is in direct conflict with the provisions of the Kansas and Nebraska bill.

Mr. Scott moved to indefinitely postpone the resolution.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Doane, Furnas, Porter, Reeves, Scott.—6.

Nays—Messrs. Cheever, Dundy.—2.

Carried.

Mr. Doane introduced

C. B. No. 78, "A bill for an act entitled an act to incorporate the North Platte Bridge and Ferry Company."

Read first and second times, and

Referred to the Committee on Corporations.

Mr. Dundy introduced

C. B. No. 79, "A bill for an act to authorize John C. Hood to erect a mill dam across north fork of the Great Nemaha river."

Read first and second times.

And referred to the Committee on Highways and Bridges and Ferries.

On motion,

The Council adjourned.

S. M. Curran, Chief Clerk.

Council Chamber,
Thursday, January, 5th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

The Committee on Enrolled Bills to whom was referred

C. B. No. 32, and C. B. No. 34, to organize Shorter and Wilson counties, report the same as correctly enrolled. R. W. Furnas.

Message from the House:

HOUSE OF REPRESENTATIVES,
Thursday, January 5th, 1860.

Mr. President:

I am instructed to inform your Honorable Body that the House have passed

H. F. No. 118, substitute, "An act to locate the county seat of Richardson by a vote of the people," and to respectfully request your concurrence therein.

J. W. MOORE, Chief Clerk.

Mr. Furnas moved to reconsider the vote by which the amendments of the House were concurred in by the Council to

C. B. No. 34, "A bill for an act to define the boundaries of Shorter county."

Carried.

Mr. Furnas moved that the Council refuse to concur in the amendments of the House.

Carried.

Mr. Dundy made the following report:

Mr. President:

The Committee on Highways, Bridges and Ferries to which was referred

C. B. No. 79, entitled "An act to authorize John C. Wood to erect a mill-dam across the north fork of the Great Nemaha river."

C. B. No. 68, entitled "An act to authorize Jacob W. Davis and A. C. Anderson to establish and keep a toll bridge and ferry across the Great Nemaha river in Richardson county."

And,

H. B. No. 41, entitled "An act to establish the rate of ferriage at the Loup Fork ferry."

Have had the same under consideration, and report the same back without amendment and recommend their passage.

E. S. DUNDY,
THOS. J. BOYKIN,
G. E. SCOTT.

Report adopted.

The Committee on Corporations to whom was referred

H. F. No. 86, entitled "A bill to incorporate the city of Arago in Richardson county."

Also,

C. B. No. 78, entitled "A bill for an act to incorporate the North Platte bridge and ferry company."

Have had the same under consideration and report the same back and respectfully recommend their passage.

GEO. E. SCOTT, Chairman.

Report adopted.

Mr. Doane introduced the following resolution which adopted:

Resolved, That the Committee on Finances be instructed to inquire of the Auditor of the Territory and report to this body whether any, and if any, what amount of Territorial warrants have been issued to the late Superintendent of Public Instructions and for what purposes, and that the committee report at the earliest practicable moment.

Resolution adopted.

Mr. Little gave notice

Of "A bill for an act to authorize W. W. Wyman to purchase a safe for the use of the Territorial Treasurer, and to provide for the manner of paying the same.

H. F. No. 118, substitute, "An act for the location of the county seat of Richardson county by a vote of the people."

Read the first time.

C. B. No. 77, "A joint resolution for the determination of the claims of the Code Commissioners of 1855, and their clerks."

Read second time,

Referred to the Committee on Judiciary.

The Committee on Judiciary to whom was referred

C. B. No. 50, for "An act to repeal anact entitled 'An act regulating ferries,' approved Nov. 3d, 1858."

Also,

C. B., No. 75, for an act entitled "An act to repeal an act for the charter of a bank to be located in Omaha City, Douglas county N. T., to be called the bank of Nebraska."

Also,

C. B. No. 76, for "An act to provide for the service of process in justices' courts by publication in newspapers."

Has had the bills under consideration and beg leave to report the same back with a recommendation that they be indefinitely postponed.

Your committee also beg leave to report back

C. B. No. 21, for "An act for a homestead exemption," recommitted to said committee with instructions, and recommends the following amendments.

In section one, line three, after the word "acres" strike out "of land." Also in line six after the word "of" and before the word "land" insert the word "contiguous."

At the end of section ten, add: "Provided that the exemption granted by the provisions of the act herein repealed shall still remain and be extended to all cases wherein the contract was made or the liability incurred before the taking effect of this act."

In section eleven, line one, after the words "this act" insert "subject to the proviso in the preceding section."

Amend the title by inserting, "An act to exempt the homestead and certain articles of personal property from forced sale on execution."

Your committee has also had under consideration

C. B. No. 7, for "An act to amend the liquor law,"

And beg leave to report the same back with the following amendments:

In section one strike out the word "Indian." Amend section three by inserting after the word "four" the following, "five, seven, ten," and the first seven lines of section eight, and strike out of the last line in same section the word "is" and substitute "are."

Add, as section 4, the following:

The tenth section of the act to which this is amendatory shall be so amended as to read as follows:

Sec. 10. If any person or persons shall vend or retail, or for the purpose of avoiding the provisions of this act, shall under any evasive pretext give away any malt, spiritous or vinous liquors, without first having obtained a license therefor as required by this act, such person or persons shall upon conviction thereof in the district court, be deemed guilty of a misdemeanor, and shall for the first offense be fined in any sum not more than one hundred dollars nor less than twenty-five dollars, and for the second offense not less than fifty dollars nor more than two hundred dollars, and for the third and each subsequent offense, he or they shall be fined in any sum not less than one hundred dollars nor more than three hundred dollars, or may be imprisoned in the county jail for any term not exceeding ten days, or may be both fined and imprisoned at the discretion of the court, and shall be liable in all respects to the public and to individuals the same as if license had been obtained as herein required.

Your committee has also had under consideration

C. B. No. 23, "An act to provide a penalty for assault and battery, and to confer jurisdiction in certain cases upon justices of the peace," and beg leave to report the same back with the following amendment:

Insert as section ten the following: Sec. 10. Jurisdiction is hereby conferred upon justices of the peace in all cases arising under sections 111, 112, 114, 115 and 127 of the criminal code adopted at the fifth session of the Legislative assembly, and the course of proceedings in such cases as well as in those arising under sections 140, 142 and 143 of said code, shall be the same as prescribed by the provisions of this act, provided, however, that in cases arising under the sections above ennumerated, no security for costs shall be required as provided by section 6 of this act, but such costs shall be paid out of the county treasury upon allowance by the county commissioners in cases in which the complaint has been dismissed, or an execution against the defendant, if convicted, has been returned "no goods or chattels found whereon to levy," and a sufficient amount to pay the cost has not been collected, and provided further that the penalty for the offenses described in the sections above enumerated in the criminal code, shall be as in said code prescribed.

Also amend section 10 by numbering it sec. 11, and add as section 12 the following: Sec. 12. That section 145 and 146 of the criminal code passed at the fifth session of the Legislative assembly be and the same are hereby repealed.

All of which is respectfully submitted.

Geo. W. Doane, Chairman.

On motion,

The Council resolved itself into a Committee of the Whole to take into consideration

C. B. No. 28, "A bill for an act to provide for the payment of the interest on the public debt and the redemption of territorial warrants."

Also,

C. B. No. 35, "An act to provide for the payment of territorial warrants,"

And the substitute for said bills entitled

"A bill for an act to define the duties of Territorial Treasurer."

Together with the reports.

Mr. Furnas in the chair.

After remaining therein sometime, the committee rose and reported back C. B. No. 28, and recommended its passage.

Report adopted.

Mr. Doane moved that the bill be read a third time, upon which the ayes and nays were demanded.

Ayes—Messrs. Boykin, Cheever, Doane, Furnas, Porter, Scott.—6.

Nays—Messrs. Dundy, Little, Reeves.—3.

Carried.

Bill read a third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Boykin, Collier, Cheever, Doane, Furnas, Porter, Scott.—7.

Nays—Messrs. Dundy, Little, Reeves.—3.

Bill passed.

On motion,

Title agreed to.

The Committee on Engrossed and Enrolled Bills ask leave to report that

C. B. No. 58, "An act to prohibit slavery."

Also,

C. B. No. 10, "An act to authorize the transfer of certain territorial taxes, assessed previous to the year 1859, to the counties in which the same were collected,"

As correctly enrolled.

Respectfully submitted. MILLS S. REEVES, Chairman.

Mr. Boykin introduced

C. B. No. 80, "A bill for an act to restrain stock from running at large in the counties of Sarpy, Douglas and Cuming."

Read first and second time.

Referred to the Committee on Agriculture.

Mr. Scott introduced

C. B. No. 81, "An act to organize Wakely county, to define the boundaries and locate the county seat thereof."

Read first and second times.

Mr. Reeves gave notice of a bill.

Mr. Porter moved to reconsider the vote by which

H. F. No. 75, "A bill to provide for the erection of a bridge across the Black Bird creek, was indefinitely postponed.

Mr. Cheever moved to lay that motion on the table.

Pending which, call of the Council was demanded.

Mr. Doane moved that all further procedings under the call be dispensed with.

Carried.

Question upon the motion to lay upon the table.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Little, Reeves.—4.
Nays—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.

Ayes and nays demanded upon the motion to reconsider.

Ayes—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.
Nays—Messrs. Cheever, Furnas, Little, Reeves.—4.

Carried.

Mr. Furnas offered an amendment by adding a section to the bill asking for an appropriation of $3,000, to bridge three several creeks south of the Platte river.

Pending which

Mr. Reeves moved to recommit the bill to a select committee.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Little, Reeves.—4.
Nays—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.

Lost.

Mr. Scott moved that the bill be read a third time.

And upon that called the previous question.

Question now was, shall the main question be now put.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.
Nays—Messrs. Cheever, Furnas, Little, Reeves.—4.

Carried.

The main question was now put, and

Carried.

Bill read third time.

Mr. Reeves moved to indefinitely postpone the bill.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Little, Reeves, Mr. President.—5.
Nays—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.

Lost.

Referred to the Committee on Counties.

Mr. Furnas moved to refer the bill to a select committee of three, with instructions to report in favor of his pending amendment.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Little, Reeves, Mr. President.—5.
Nays—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.

Lost.

Mr. Doane moved the bill be put upon its passage.

Pending which

Call of the Council demanded.

Mr. Boykin absent.

Mr. Little moved that all further proceedings under the call be dispensed with.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Little, Reeves.—4.
Nays—Messrs. Collier, Doane, Dundy, Porter, Scott.—5.

Lost.

Mr. Reeves moved that Mr. Boykin be excused for the balance of the day.

Pending which

Mr. Doane moved that Mr. Reeves be included in the motion to be excused for the balance of the day.

Pending which

Call of the Council demanded.

Mr. Boykin absent.

Sergeant-at-Arms dispatched after absentee.

On motion of Mr. Doane,

All further proceedings under the call were dispensed with.

Question recurring upon the motion to excuse Messrs. Boykin and Reeves.

Mr. Furnas called for a division of the House.

Ayes and nays demanded upon the call for a division.

Ayes—Messrs. Cheever, Furnas, Little, Reeves.—4.
Nays—Messrs. Collier, Doane, Dundy, Porter, Scott.—5.

Lost.

Call of the Council demanded.

All present.

Mr. Cheever moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Little, Reeves.—4.

Nays—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.

Lost.

Mr. Doane renewed his motion that the bill pass, and upon that motion called the previous question.

Ayes and nays demanded:

Ayes—Messrs. Boykin, Collier, Doane, Porter, Scott.—5.

Nays—Messrs. Cheever, Dundy, Furnas, Little, Reeves.—5.

Motion for the previous question was not sustained.

Mr. Cheever moved to adjourn.

Lost.

Mr. Reeves moved to recommit the bill to a select committee of three with instructions to report an amendment appropriating $2000 for bridging purposes south of the Platte river.

Mr. Dundy moved by inserting $1500 instead of $2000.

Amendment accepted.

Ayes and nays demanded upon the motion as now amended.

Ayes—Messrs. Cheever, Furnas, Little, Reeves.—4.

Nays—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.

Mr. Little moved to recommit the bill under consideration to a select committee of three with instructions to report amendments to the same so as to appropriate the sum of $1000 to bridge the Platte river on the stage road between the city of Omaha and Nebraska city.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Little, Reeves.—4.

Nays—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.

Lost.

Mr. Doane moved to put the bill upon its passage, and upon that motion called the previous question.

Question now was shall the main question be now put.

Ayes and nays demanded.

Ayes—Messrs. Collier, Doane, Porter, Scott.—4.

Nays—Messrs. Boykin, Cheever, Dundy, Furnas, Little, Reeves.—6.

Previous question not sustained.

Mr. Reeves moved to postpone the bill until the 14th day of June next.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Little, Reeves.—4.

Nays—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.

Lost.

Mr. Little moved to postpone the bill until the 4th day of July next.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Little, Reeves.—4.
Nays—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.

Lost.

Mr. Cheever moved that the Council resolved itself into a Committee of the Whole, to take into consideration the bill for a state organization.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Little, Reeves.—4.
Nays—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.

Lost.

Mr. Little moved to postpone the bill until to-morrow morning, at 10 o'clock.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Little, Reeves.—4.
Nays—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.

Lost.

Mr. Cheever moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Little, Reeves.—4.
Nays—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.

Lost.

Mr. Reeves moved to lay the bill on the table.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Furnas, Little, Reeves.—4.
Nays—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.

Lost.

Mr. Little moved to adjourn.

Ayes and nays demanded

Ayes—Messrs. Cheever, Furnas, Little, Reeves.—4.
Nays—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.

Lost.

Mr. Doane moved that the bill now pass.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.
Nays—Messrs. Cheever, Furnas, Little, Reeves, Mr. President.—5.

Bill passed and title agreed to.

Mr. Furnas gave notice

Of a bill appropriating $1000 to construct a bridge across the Great Nemaha river on the Half Breed reservation.

Also,

A bill appropriating $1000 to construct a bridge across Pawnee creek in Cass county.

Mr. Dundy gave notice

Of a bill for an appropriation to erect a bridge across the Great Nemaha river in Richardson county.

Mr. Dundy introduced

C. B. No. 82, "An act to provide for the settlement of the account of the Territorial Treasurer."

Read first and second time.

Referred to the Committee on Expenditures.

Message from the House:

House of Representatives,
Thursday, Jan. 5th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House has passed

H. F. No. 156, "To authorize John Maulding and Cyrus Wright to erect a mill-dam across the Great Nemaha river in Johnson county."

And to respectfully request the concurrence of your honorable body therein.

I am further instructed to return to your honorable body.

H. F. No. 20, "An act to incorporate a seminary at Peru."

Together with the amendments proposed by your honorable body thereto.

The House having refused to concur in the amendment proposed to section four of said bill.

J. W. Moore, Chief Clerk.

Mr. Dundy moved that a committee of conference be appointed upon H. F. No. 20, "An act to incorporate a seminary at Peru."

Carried.

Messrs. Dundy and Reeves were appointed said committee.

Mr. Doane moved to reconsider the vote by which

H. F. No. 75, "A bill to provide for the erection of a bridge across Black-Bird creek,"

Was passed, and moved to lay that motion on the table.

Pending which,

On motion of Mr. Reeves,

The Council adjourned.

S. M. Curran, Chief Clerk.

COUNCIL CHAMBER,
Friday, Jan. 6th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Dundy presented a petition from the citizens of Pawnee county praying for a bill altering the boundaries of their county.

On motion,

Referred to the Committee on Counties.

The President presented the following resolution from the people of Dodge county:

Resolved, That we hereby solicit the Council and House of Representatives of the Territory of Nebraska to pass a bill making the west line of Washington county as follows: Commencing on the Platte river on the line between township six (6) and seven (7), east of the sixth principal meridian, and running north to Burt county, and if this can not be effected to let the lines of Dodge county remain as they are.

The committee to which was referred C. B. No. 80, have had the same under consideration, and beg leave to report the same back without amendment and recommend its passage.

T. J. BOYKIN,
JNO. R. PORTER,
MILLS S. REEVES.

Report adopted.

Your Committee on Counties to which was referred a petition from the citizens of Cedar county praying for a change of the boundaries of the counties of Cedar, Dixon and L'eau-qui-Court, have had the same under consideration, and beg leave to report the same back to the Council and recommend the passage of the accompanying bill without amendment.

JNO. R. PORTER,
GEO. E. SCOTT.

Report adopted.

The Committee on Engrossed and Enrolled Bills report that

C. B. No. 30, "A bill for an act to organize and define the boundaries of Morton county in Nebraska Territory and locate the county seat thereof,"

As correctly enrolled. MILLS S. REEVES, Chairman.

Your committee to which was referred

C. B. No. 47, "A bill for an act to provide for the payment of district attorneys."

Having had the same under consideration beg leave to submit the following report:

In the opinion of your committee, the salary of one thousand dollars proposed by this bill is entirely too small to reasonably remunerate the District Attorneys for the amount of labor which must necessarily be performed and pay the actual expenses of attending the courts in the different counties of their respective districts, extending over a large space of country, and in some instances they have to travel from one hundred to one hundred and fifty miles in making the journey from one portion of the district to the other, and while in attendance upon the courts, their time is almost wholly taken up and employed in drawing indictmnnts, attending the grand jury, and in the trial of criminal cases, thus depriving these officers of a large amount of civil business, which they would otherwise secure. In the opinion of your committee a salary of sixteen hundred dollars is no more than a reasonable compensation for the services of the officers. If the sum of one thousand dollars be fixed as the salary by the Legislature, in the opinion of your committee no lawyer of any ability, reputation or standing in his profession would consent to take the office, and thus deprive himself of doing any other kind of business, for which he could obtain a much better compensation. Your Committee would therefore recommend the passage of the substitute for said bill, which is herewith submitted.

W. A. Little,
Jno. R. Porter,
J. H. Cheever.

Report adopted.

Message from the House:

House of Representatives,
Friday, Jan. 6, 1880.

Mr. President:

I am instructed to return to your honorable body,

C. B. No. 34, "A bill for an act to define the boundaries and locate the seat of justice of Shorter county,"

And to inform you that the House have determined to insist upon their amendment thereto.

And that Messrs. Hanscom, Bowen and Campbell have been appointed a committee of conference on the part of the House to act with reference to this bill, with a similar committee to be appointed by your Honorable body.

J. W. Moore, Chief Clerk.

M. Boykin moved that a committee of two be appointed to confer with a like committee on the part of the House on

C. B. No. 34, "A bill for an act to define the boundaries of Shorter county."

Carried.

Messrs. Boykin and Scott were appointed said committee.

The Committee on Finances, Ways and Means, to which was referred

C. B. No. 69, "A bill for an act to provide for the copying, indexing and proof-reading of the journals and laws passed at the sixth session of the Legislature of Nebraska during the year 1859 and 60."

Have had the same under consideration, and have instructed me to report: That the laws passed during this session of the Legislature are being copied under the direction of the Secretary of the Territory, and the committee are assured that the work will be completed without the intervention of the Legislature, and without expense to the Territory; as the cost of copying, indexing and proof-reading will be paid by the general government. Previous legislatures have made large appropriations for the purpose of copying, indexing and proof-reading the laws and journals; and your committee have ascertained that much of the labor required of the clerks in the acts making the appropriations, has never been performed by them, and that the Territory has already paid no inconsiderable sum for merely constructive services. It is necessary that the Legislature shall make an appropriation to defray the expense of copying the journals of the Council and House of Representatives, which the committee have been assured can be done for one hundred dollars each, and therefore they ask leave to submit the accompanying bill as a substitute for the bill under consideration, and respectfully recommend its passage.

MILLS S. REEVES,
GEO. W. DOANE,
E. S. DUNDY.

Question being upon the adoption of the report, it was

Lost.

Mr. Little introduced

C. B. No. 83, "A bill for an act to confirm the title of W. A. Collins, John Sweezy, Randal A. Brown and Henry H. Vischer, to certain real estate in the city of Omaha, N. T."

Read first time.

On motion,

Rules suspended.

Bill read second and third time.

Passed and title agreed to.

Mr. Little introduced,

C. B. No. No. 84, "A bill for an act to authorize W. W. Wyman, to purchase a safe for the use of the territorial treasurer and to provide for the manner of paying the same.

Read first and second time.

On motion,

Referred to the Committee on Finance, Ways and Means.

Mr. Little introduced

C. B. No. 85, "A bill for an act to define the power of district judges in certain cases."

Read first and second time.

On motion,

Referred to the Committee on the Judiciary.

Mr. Boykin moved that the Council amend the amendment of the House to

C. B. No. 34, "A bill for an act to define the bounds of Shorter county." by striking out the 2d section.

Carried.

H. F. No. 156, "A bill to authorize John Maulding and Cyrus Wright to erect a mill dam across the Great Nemaha river in Johnson county."

Read first and second time.

On motion,

Referred to the Committee on Corporations.

Mr. Porter introduced

C. B. No. 86, "An act to change and redefine the boundaries of Dixon, Cedar, and L'eau-qui-Court counties."

Read first and second time.

On motion,

Referred to the Committee on Counties.

Mr. Furnas introduced

C. B. No. 87, "A bill for an act to dissolve the bonds of matrimony between Margaret J. Dupuy, and George Dupuy."

Read first time.

Mr. Furnas introduced

C. B. No. 88, "A bill for an act making an appropriation to erect a bridge across the Little Nemaha river."

Read first time.

Mr. Furnas introduced

C. B. No. 89, "Joint resolution for a mail route."

Read first time.

On motion,

Rules suspended, and

Bill read second and third time,

Passed and title agreed to.

Mr. Reeves offered the following protest:

The undersigned, members of the Council, having opposed the passage of the bill making an appropriation of one thousand dollars to build a bridge over Black Bird creek in the Omaha Indian reserve; and having exhausted all the constitutional and parliamentary usages in order to defeat the passage of the bill, respectfully ask leave to enter our protest and submit the facts to our constituents.

We believe that the Legislature ought not to make any appropriations of this character, because it is establishing a dangerous precedent, which, if followed and carried out, would soon involve the Territory in hopeless bankruptcy and ruin.

It is calculated to inaugurate a system of intrigue and combination among the different portions of the Territory, which, if not discountenanced, will, for all time to come, deplete the treasury of every dollar paid into it; and entail a burdensome and oppressive debt upon those who are to come after us, or drive them to the disgraceful alternative of repudiation.

For this reason, appropriations for works of a local character, are at all times of doubtful expediency, but especially are they so at this time, when the Territory is already deeply in debt, and her evidences of indebtedness rapidly depreciating in value, in view of the appropriations being made by the present Legislature.

But aside from all these considerations, the passage of this bill is unjust and oppressive to the people of the southern portion of the Territory.

The general government has appropriated the sum of $80,000 in the construction of roads and bridges north of Platte river.

During the last session of the Legislature an appropriation of $500 was made for the purpose of repairing a bridge built by the general government; and this bill provides an appropriation of $1,000 out of territorial treasury to rebuild a bridge erected by the general government, on an Indian reservation, which is by the provisions of our Organic Law, declared to be without the jurisdiction of the Territory.

The question naturally arises: What have the people south of the Platte river received as a set-off or equivalent to all these munificent appropriations? The larger portion of the population of the Territory reside south of the Platte river, and they have paid the greater portion of the receipts in the shape of taxes into the territorial treasury, and what have they received? The answer to this question is no less strange, than it is unprecedented and unparalleled in history.

They have never received a single dollar from the general or territorial government. They have received nothing. It appears from the report of the Territorial Treasurer that the counties north of Platte river have, from the organization of the Territory, up to the present time, paid into the treasury the sum of $1,635.93, and there has been by the operation of this bill, and the act to repair Elk Horn bridge, $1,500 of that sum appropriated for the exclusive benefit of those counties; leaving a balance of $135.93, less the amount paid county treasurer for making their returns, as the amount contributed by the counties north of Platte river towards defraying the territorial expenses during the period of five years.

Is it then a matter of surprise that the people of the southern counties feel aggrieved, and are many of them, disposed to sunder their connection with the northern portion of the Territory; and to form new associations and relations, with the view of securing their just rights and privileges.

Occasions arise when forbearance ceases to be a virtue. The people south of the Platte river have foreborn for five years; But who can undertake to say that they will any longer tamely submit to wrong and oppression? They have been disposed to forgive and forget the past; and amicably unite with their brethren of the northern counties in the formation of a state government, thus enabling them to enjoy all the rights and privileges of American citizens, and adding stability and character to our rising commonwealth. Still, it is not to be concealed that many in the southern portion of the Territory are in favor of uniting their destinies with those of Kansas, which is now asking admission as a state into the Union; and no better pretext could be urged in favor of their project, than is to be found by the passage of this bill, and in the previous legislation of this Territory.

In view of all these facts we apprehend and believe that the passage of this bill will seriously endanger the formation of a state government; if it does not effectually estrange one portion of the Territory from the other.

We therefore respectfully, but earnestly and emphatically protest against the passage of this act; and ask that this, our protest, be entered upon the journals of the Council.

Mills S. Reeves,
Robt. W. Furnas,
E. A. Donelan,
J. H. Cheever.

Mr. Furnas moved that the protest be placed upon the journals, and that 300 copies be ordered printed for the use of the Council.

Division of the question called for.

Motion now was, shall the protest be spread upon the journals—upon which

The ayes and nays were demanded.

Ayes—Messrs. Cheever, Doane, Dundy, Furnas, Little, Porter and Reeves.—7.

Nays—Messrs. Collier and Scott.—2.

Carried.

Question upon the motion to print.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Dundy, Furnas, Reeves and Mr. President.—5.

Nays—Messrs. Boykin, Collier, Doane, Little, Porter, Scott.—6.

Lost.

Mr. Collier gave notice

Of a bill to legalize the acts of the county commissioners of Cedar county in relation to levying the taxes of said county for the year 1859.

Mr. Collier moved to reconsider the vote by which the Council refused to print the protest of Mr. Reeves.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Dundy, Furnas, Reeves and Mr. President.—5.

Nays—Messrs. Boykin, Collier, Doane, Porter and Scott.—5.

Lost.

H. F. No. 118, "A bill to locate the county seat of Richardson county by a vote of the people."

Read second time.

Mr. Dundy moved to suspend the rules and that the bill be read the third time.

Call of the Council demanded.

Mr. Little absent.

On motion of Mr. Dundy,

All further proceedings under the call dispensed with.

Mr. Little moved to refer the bill to the Committee on Counties.

Mr. Doane moved to amend by adding that the Council bill and reports be referred to the same committee.

Call of the Council demanded.

Mr. Collier absent.

On motion,

All further proceedings under the call dispensed with.

Mr. Little moved a call of the Council.

Mr. Reeves absent.

On motion,

The Sergeant-at-Arms was despatched after absentees.

On motion,

All further proceedings under the call dispensed with.

Question recurring upon the motion to refer the bill to the Committee on Counties.

The ayes and nays were demanded.

Ayes—Messrs. Doane, Little, Porter, Reeves.—4.

Nays—Messrs. Boykin, Collier, Cheever, Dundy, Furnas, Scott.—6.

Lost.

Mr. Little moved to amend the bill under consideration by striking out the 9th section.

Pending which

Mr. Scott moved to reconsider the vote by which the Council refused to refer the bill to the Committee on Counties.

Carried.

Mr. Little moved to refer the bill to the Committee on Counties.

Carried.

Mr. Dundy moved that the committee be instructed to report tomorrow.

Carried.

Message from the Executive:

EXECUTIVE CHAMBER,
Omaha, Jan. 6th, 1860.

Mr. President:

I am instructed by the Governor to inform your honorable body that he has signed and approved the following bills:

"An act to organize and define the boundaries of Morton county in Nebraska Territory and locate the county seat thereof."

Also

"An act to organize and define the boundaries of Wilson county in Nebraska Territory."

JOHN MCCONIHE,
Private Secretary.

C. B. No. 69, "A bill for an act to provide for the copying, indexing and proof reading of the journals and laws passed at the sixth session of the Legislature of Nebraska, during the years 1859 and 60.

Read third time.

Call of the Council demanded.

Mr. Cheever absent.

On motion,

All further proceedings under the call dispensed with.

Mr. Reeves moved to take up the substitute to the bill.

Carried.

On motion,

Substitute read first and second times.

Mr. Scott moved to amend the substitute by striking out "$100," and inserting "$300."

Ayes and nays demanded.

Ayes—Messrs. Collier, Porter, Scott.—3.

Nays—Messrs. Boykin, Cheever, Doane, Dundy, Furnas, Little and Reeves.—7.

Lost.

Mr. Doane moved to amend by striking out "$100," and inserting "$150."

Mr. Boykin moved to amend by inserting "$250."

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Porter and Scott.—4.

Nays—Messrs. Cheever, Doane, Dundy, Furnas, Little, Reeves.—6.

Lost.

Mr. Porter moved to insert "$200."

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Furnas, Porter, Scott, Mr. President.—6.

Nays—Messrs. Cheever, Doane, Dundy, Little and Reeves.—5.

Carried.

Message from the House:

House of Representatives,
Friday, January 6th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House have passed the following bills, and request the concurrence of your honorable body therein:

H. F. No. 9, "An act to relocate the county seat of Johnson county, N. T."

H. F. No. 149, "An act supplementary to 'An act for locating, opening and repairing county roads,' approved Oct. 29th, 1859."

H. F. No. 157, "A bill for an act to change the name of George Ann Florence Forney."

H. F. No. 158, "A bill for an act to amend an act entitled 'An act providing for the better regulation of schools in Nebraska,' approved November 4th, 1858."

H. F. No. 123, "A bill for an act for the relief of Lacey and McCormick and George Clayes."

H. F. No. 163, "An act to incorporate the Presbyterian church of Omaha city."

H. F. No. 164, "A bill for an act to locate a territorial road in Dodge county."

I also return to your honorable body

C. B. No. 38, "Joint resolution and memorial to the Congress of the United States for a penitentiary."

The same having passed the House without amendment.

I am also instructed to request the concurrence of your honorable body to

H. F. No. 160, "A bill for an act entitled an act to authorize R. W. Frame to keep a ferry across the Missouri river at Peru, N. T."

I herewith return to the custody of your honorable body

C. B. No. 34, "An act to define the boundaries and locate the seat of justice of Shorter county."

The House having concurred in the amendments proposed by your honorable body to the amendments of the House.

I am further instructed to inform your honorable body that Messrs. Baker, Hinsdale and Arnott have been appointed on the part of the House as a committee of conference with reference to the amendments proposed by your honorable body to

H. F. No. 20, "An act to incorporate a seminary at Peru."

J. W. Moore, Chief Clerk.

Mr. Scott introduced

C. B. No. 90, "Joint resolution for the relief of the Engrossing and Enrolling Clerks."

Read first time.

C. B. No. 80, "A bill for an act to restrain stock from running at large in the county of Sarpy."

Read third time.

Passed and title agreed to.

C. B. No. 78, "A bill for an act entitled an act to incorporate the North Platte bridge and ferry company."

Read third time.

On motion,

Passed, and title agreed to.

H. F. No. 41, "An act to establish the rate of ferriage at the Loup Fork ferry."

Read third time.

On motion,

Passed and title agreed to.

On motion of Mr. Cheever,

The Council resolved itself into a Committee of the Whole, to take into consideration,

H. F. No. 86, "A bill for an act to frame a constitution and state government for the state of Nebraska."

Mr. Cheever in the chair.

After remaining sometime therein, the committee arose and reported an amendment to section 5, 6th line strike out the word "April" and insert "March" in section 1, 4th line strike out the word "March" and insert "February," and recommend the passage of the bill as amended.

On motion,

Report adopted.

Mr. Doane moved to amend the 7th section by adding "no delegate shall receive more than $3 per day while sitting as such delegate."

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Cheever, Doane, Furnas, Little, Porter and Reeves.—8.

Nays—Messrs. Dundy and Scott.—2.

Carried.

Bill laid over for further consideration.

Mr. Little introduced.

C. B. No. 91, "An act to define the powers and duties of county clerks."

Read first and second time.

On motion,

Referred to the Committee on Judiciary.

C. B. No 68, "An act to authorize Jacob M. Davis and A. C. Anderson to establish and keep a toll bridge and ferry across the Great Nemaha river in Richardson county."

Read the third time.

Passed and title agreed to.

C. B. No. 79, "An act to authorize John C. Wood to erect a mill-dam across the north fork of the Great Nemaha river."

Read the third time.

Passed and title agreed to.

H. F. No. 86, "A bill to incorporate the city of Arago in Richardson county.

Read third time.

Passed and title agreed to.

C. B. No. 21, "A bill for an act for a homestead exemption."

Together with the report thereto were taken from the table.

Mr. Doane moved the report be adopted.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Doane, Furnas, Porter, Reeves, and Scott.—7.

Nays—Messrs. Little.—1.

Carried.

Mr. Little moved to strike out in 3d line, sec 1, "160" and insert "40."

Mr. Reeves moved to amend by inserting "80."

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Little, Reeves, and Scott.—5.

Nays—Messrs. Cheever, Doane, Dundy, Furnas, Porter, Mr. President, —6.

Lost.

Question recurring upon the motion to insert "40."
Ayes and nays demanded.

Ayes—Messrs. Cheever, Dundy, Little, Reeves and Scott.—5.
Nays—Messrs. Boykin, Collier, Doane, Furnas, Porter, Mr. President.—6.

Lost.

On motion of Mr. Porter,
The bill was read third time.
Ayes and nays demanded upon its passage.

Ayes—Messrs. Boykin, Collier, Doane, Furnas, Porter, Reeves, Scott.—7.
Nays—Messrs. Dundy, Little.—2.

Bill passed.

On motion,
The title as amended was agreed to.
Message from the Executive:

EXECUTIVE CHAMBER,
Omaha, January 6th, 1860.

To the Council:
Mr. President:

I am instructed by the Governor to announce to your honorable body the following message, and herewith to return a bill for

"An act to incorporate the Platte river bridge ~~and~~ ferry company, of Moses F. Shinn and others."

JOHN MCCONIHE,
Private Secretary.

To the Honorable the Council of Nebraska Territory:

"An act to incorporate the Platte river bridge and ferry company,"

Is herewith returned, unsigned and with my objections.

It is time that the spirit of incorporation should be subdued and checked. All special privileges and chartered rights conferred on a few are so much taken away from the general privileges and unchartered rights of the people. They should not be granted except with a sparing and cautious hand. When granted, the public necessity should be apparent and imperative; and whether corporations are public or private, they should always be created for the public benefit;—neither should special laws be enacted for special interests, when general laws for all the demands of the public are sufficient.

No charter should contain any grant nor confer any capacity beyond the specific and necessary object of the incorporating act. The Legislature, I think, should reserve to itself, in most cases, the right to repeal or modify the law creating a private corporation. This would make it a part of the contract at the beginning, and the person or persons asking for special privileges, would thus understand the terms on which they are granted.

I submit these general views, because I think they are just now appropriate and applicable

My objections to this bill are serious and insurmountable. It is called "An act to incorporate the Platte river bridge and ferry company," when it is plainly not intended for a charter to build a bridge, and is really no more nor less than what we all understand by a *ferry charter*. The capital stock of the company is $5,000. This alone makes it perfectly clear, that to build a bridge over the Platte river, or even to attempt it, is no part of the design of the company. I have, within a few days, signed a joint memorial to Congress, asking an appropriation of $80,000 to build a bridge over the Loup fork, a branch of the Platte, *less in width*, and *less difficult to bridge*. This is not one dollar too much, and probably, according to the best estimates, not enough for the purpose.

I suppose and hope that this bill was passed by the Legislature without much examination. Therefore I say, and without disrespect, that to incorporate a company to build a bridge over the Platte river, with a capital stock of $5,000 is absurd. To incorporate a company for the purpose of building a bridge over a river may be unobjectionable and right. When it is beyond the ordinary power of individual capital and labor, it is both meritorious and proper to grant corporate powers for the purpose.

This charter is granted to ONE man and his associates and their successors. This is virtually a grant to one man of corporate privileges. He fixes the number of his associates, and selects them to suit himself.

This corporate body of ONE MAN "and his associates may sue and be sued, plead and be impleaded, grant and exercise by its corporate name, purchase, sell, hire, lease and hold property, real, personal and mixed; may have a corporate seal and alter the same at pleasure." And all this for the purpose of keeping a ferry! Wonderful and extraordinary powers these for the owner of a ferry boat, or for any man! Is it the business of legislation to incorporate companies to buy, sell and speculate in real estate, and that too without any individual or personal liability? Surely there can be but one answer to the question.

At the last session of the Legislature an excellent general law was passed for the purpose of "regulating ferries." The power of granting licenses for ferry purposes was very properly conferred on the board of county commissioners in the several counties. This general law, applicable to all men alike, is sufficient for the general wants and will of the people. If it is not, you have abundant power to amend and improve it.

SAML. W. BLACK.

C. B. No. 47, "A bill for an act fixing the salary of the district attorneys, and providing for the payment of the same."

Was taken from the table.

Mr. Dundy moved that the bill be made the special order for to-morrow at 2 o'clock.

Lost.

Bill laid upon the table one day.

Mr. Doane asked leave to withdraw the motion to reconsider the vote by which

H. F. No. 75, "A bill to erect a bridge across Black Bird creek,"

Was passed.

Not granted.

Mr. Boykin moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Furnas, Scott.—4.

Nays—Messrs. Cheever, Doane, Dundy, Little, Porter, Reeves and Mr. President.—7.

Lost.

Question recurring upon the motion to lay upon the table the motion to reconsider.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Doane, Dundy, Porter, Scott.—6.

Nays—Messrs. Cheever, Furnas, Little, Reeves and Mr. President.—5.

Carried.

On motion,

The Council adjourned. S. M. CURRAN, Chief Clerk.

COUNCIL CHAMBER,
Saturday, January 7th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Dundy presented a petition from citizens of Richardson county, asking the Legislature to pass an act directing the clerk of said county of Richardson, to recanvass and count the votes cast at an election held in said county, on the 10th day of January, A. D. 1859, in pursuance of an act of the Legislature of the Territory of Nebraska, approved October 3, 1858, and that the point which received the highest number of votes at said election, shall be the county seat of said Richardson county, and they will ever pray.

Laid over under the rules.

Message from the House:

HOUSE OF REPRESENTATIVES,
Saturday, January 7th, 1860.

Mr. President:

I am instructed to solicit the concurrence of your honorable body in the following bills which have passed the House:

H. F. No. 136, "A bill for an act to incorporate the Omaha loan and banking association."

H. F. No. 60, "A bill for an act entitled an act to fix the time of holding the district courts in the first judicial district."

H. F. No. 133, "An act to authorize J. J. Eldridge to erect a mill-dam across Wood river in Hall county, N. T."

H. F. No. 143, "An act to incorporate the University of Columbus in Platte county."

H. F. No. 118, "A supplement to an act entitled a bill for an act to provide for the valuation and assessment of the real and personal property, and the levy and collection of taxes in the Territory of Nebraska," approved November 1st, 1858.

H. F. No. 98, "A bill to authorize J. B. Weston to erect a mill-dam across Big Blue river."

I am also instructed to return to your honorable body

C. B. No. 68, "An act to authorize Jacob M. Davis and A. C. Anderson to establish and keep a toll bridge and ferry across the Great Nemaha river in Richardson county."

The same have passed the House without amendment.

I am also instructed to inform your honorable body that

C. B. No. 4, "A bill for an act to amend an act entitled 'An act to provide for the valuation and assessment of real and personal property, and for the levying and collection of taxes in the Territory of Nebraska,'"

Have been indefinitely postponed in the House.

James W. Moore, Chief Clerk.

The Committee on Printing to which was referred

C. B. No. 11, "An act regulating the price of legal advertisements."

Report the bill back and recommend its passage without amendment.

R. W. Furnas.

The Committee on Engrossed and Enrolled Bills ask leave to report, that

C. B. No. 38, "Joint resolution and memorial to the Congress of the United States for a penitentiary."

And,

C. B. No. 34, "An act to define the boundaries of Shorter county,"

Are correctly engrossed. Respectfully submitted,

Mills S. Reeves, Chairman.

The Committee on Corporations to which was referred

H. F. No. 156, "A bill to authorize John Maulding and Cyrus Wright to erect a mill-dam across the Great Nemaha river in Johnson county."

Have had the same under consideration and report it back, and recommend its passage without amendment. Geo. E. Scott, Chairman.

Report adopted.

The committee to which was referred

C. B. No. 86, "An act to change and define the boundaries of Dixon, Cedar and L'eau-qui-Court counties."

Have had the same under consideration and recommend its passage without amendment. John R. Porter.

The committee to which was referred

The petition from the citizens of Richardson county have had the same under consideration, and after conferring with one of the delegates of Pawnee county, and others from Richardson county, would beg leave to return the petition and recommend the indefinite postponement of the same.

JOHN R. PORTER,
GEO. E. SCOTT,
THOS. T. COLLIER.

Report adopted.

Mr. Porter made the following report:

Your committee to whom was referred

H. B. No. 118, entitled, "An act for the location of the county seat of Richardson county by a vote of the people."

Have had the same under consideration, and being unable to make a majority report I would beg leave to submit the following for your consideration:

There has been received by members of this Legislature several large petitions requesting the county seat if acted upon by this body, to be located at Archer; now it is clear to my mind that Falls city is not the choice of the people, and consequently I could not vote to have the county seat removed to that place, and it is also stated by the partizens of this bill, that two-thirds of the people of Richardson are in favor of removing the county seat from Salem, if such is the fact, they have a general law by which they can do so, passed at the second session of the Nebraska Legislature, and having received remonstrances and letters from honorable gentlemen from that county, praying us not to legislate on this matter, and from the knowledge of the facts, as set forth in a former report made by a majority of your Committee on Counties, I would most respectfully beg leave to recommend that the bill and whole subject matter under consideration be indefinitely postponed.

JOHN R. PORTER.

Mr. Dundy moved that the rules be suspended and that the bill and report be acted upon immediately.

Chair decided that it would require unanimous consent of the Council to take up report out of its order.

Mr. Dundy appealed from the decision of the President.

Question now was shall the decision of the President be the sense of the Council.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Cheever, Doane, Furnas, Little, Porter, Reeves, Scott.—9.

Nays—0.

Chair sustained.

One of your Committee on Counties, to which was referred

H. F. No. 118, "An act to locate the county seat of Richardson county,"

Have had the same under consideration and respectfully report the same to the Council and recommend its passage.

T. T. COLLIER.

Laid over under under the rules.

One of the Committee on Counties to which was referred

H. F. No. 118, "An act for the location of the county seat of Richardson county by a vote of the people,"

Have had the same under consideration and beg leave to report the same back and recommend the following amendment: In section 9 strike out "Fall city" and insert "Archer," and recommend its passage as amended. GEO. E. SCOTT.

Laid over under the rules.

The committee to which was referred

C. B. No. 82, "A bill for an act to provide for the settlement of the accounts of the Territorial Treasurer."

Having had the same under consideration beg leave to report the same back without amendment and recommend its passage.

W. A. LITTLE,
JOHN R. PORTER.

Report adopted.

Mr. Doane made the following report:

The Committee on Judiciary to which was referred

H. B. No. 53, "An act to extend the jurisdiction of the district and probate courts,"

Has had the bill under consideration and begs leave to report the same back with the following amendments:

Sec. 1, strike out 4th line and insert "within the limits hereinafter described shall respectively." In 7th line strike out the word "unorganized," and insert "not erected into counties, or which is erected into counties." At the end of the section add: "The jurisdiction of the district court shall, for the purposes of this act, extend to all that portion of this Territory not organized into counties, or organized and not attached by the law creating the same, to any county for judicial purposes, which is between the South fork and the main Platte river on the south, and the southern line of the Omaha reservation extended due west to the western boundary of that territory on the north."

The jurisdiction of the district court of the second judicial district shall extend to all that portion of this Territory not organized into counties, organized and not attached as above mentioned, lying south of the south fork of the Platte river and of the main Platte river.

The jurisdiction of the district of the third judicial shall, for the purposes of this act, extend to all that portion of this Territory not organized into counties, or organized and not attached as above mentioned, lying north of the south line of the Omaha reservation, extending due west to the western boundary of this Territory: Provided that this act shall not apply to any organized county which is contiguous to any other organized county within which said court may be held, in which cases all suits shall be brought within the county so adjoining, unless attached for judicial purposes to some other county.

Sec. 2. Strike out, and substitute, That all judgments rendered within any county embraced within any one of the districts above described, by the district court having jurisdiction in such county, against any defendant residing within that portion of this Territory in the first section of this act described, shall have the same force and effect as if said defendant resided in the county wherein said judgment may be rendered, and such judgment shall operate as a lien upon the property of said defendant which may be within said portion of this Territory above described, and within the limits of the district in which said judgment may be rendered, as defined by the first section of this act, to the same extent as if such property were situate within the county wherein such judgment is rendered; and such judgment may be enforced by execution against such defendant, in the same manner as if said defendant resided, and his property were situate within the county in which such judgment is rendered.

Sec. 3. In the 5th line amend by inserting after the word "thereof," the words "or within any county prior to the election of county officers therein." Also strike out the words "the unorganized portions," and insert "That portion of the Territory not erected in counties." Also in last line, between the words "such" and "county," insert "organized."

§ 4. Strike out of last line, "organized portions of said Territory," and insert "county in which such letters are granted."

Strike out section five.

§ 6. In first line strike out the words "in this Territory," and insert "within which suit may be brought under the provisions of this act." In last line strike out "said Territory," and insert "the district within which said county is located as defined by the first section of this act, but for no other." All of which is respectfully submitted.

Geo. W. Doane, Chairman.
W. A. Little.

Mr. Reeves introduced

C. B. No. 92, "Joint resolution relative to printing laws and journals."

Read first and second time.

On motion,

Rules suspended.

Bill read third time.

Passed and title agreed to.

Mr. Reeves introduced

C. B. No. 93, "Joint resolution relative to correcting errors in the laws, joint resolutions and memorials of the sixth session of the legislative assembly."

Read first and second time,

On motion,

Read third time.

Passed and title agreed to.

Mr. Collier introduced

C. B. No. 94, "A bill for an act defining the duties of the Territorial Librarian."

Read first and second times.

And referred to the Committee on Library.

Mr. Boykin introduced

C. B. No. 95, "A bill for an act to authorize Jesse Coleman and others to make a road and build a bridge."

Read first and second time.

On motion,

Rules suspended,

Bill read third time.

Passed and title agreed to.

Mr. Furnas introduced

C. B. No. 96, "A bill for an act to define the boundaries of Nuckolls county."

Read first and second time.

On motion,

Rules suspended,

Bill read third time.

Passed and title agreed to.

Mr. Porter introduced

C. B. No. 97, "A bill for an act to define the boundaries of West county and locate the county seat thereof."

Read first time.

H. F. No. 133, "An act to authorize J. J. Eldridge to erect a mill-dam across Wood river in Hall county, N. T."

Read first and second times.

And referred to the Committee on Highways and Bridges.

H. F. No. 143, "An act to incorporate the University in Columbus, Platte county."

Read first and second times.

And referred to the Committee on Corporations.

H. F. No. 60, "A bill for an act entitled 'An act to fix the time for holding the courts of the first judicial district.'"

Read second and third time.

On motion,

Rules suspended,

And the bill read a third time,

Passed and title agreed to.

Mr. Cheever gave notice

Of a bill to organize thirteen counties named after the members of the Council.

H. F. No. 136, "A bill for an act to incorporate the Omaha building and loan association."

Read the first and second time.

And referred to the Committee on Corporations.

Mr. Collier introduced

C. B. No. 98, "A bill for an act to locate a territorial road from St. Johns to Ponca reservation."

Read first and second times,

And referred to the Committee on Military Affairs.

H. F. No. 98, "A bill to authorize J. B. Weston to erect a mill-dam across the Big Blue river."

Read first and second time,

Referred to the Committee on Highways and Bridges and Ferries.

H. F. No. 149, "A supplement to an act entitled 'A bill for an act to provide for the valuation and assessment of real and personal property.'"

Read first and second time.

On motion of Mr. Reeves,

Indefinitely postponed.

H. F. No. 158, "A bill for an act to amend an act entitled 'An act providing for the better regulation of schools in Nebraska.'"

Read first and second time,

Referred to the Committee on Corporations.

H. F .No. 149, "An act supplemental to 'An act for locating, opening and keeping county roads,' approved Oct. 29, 1858."

Read first and second time,

And referred to the Committee on Highways, Bridges and Ferries.

H. F. No. 157, "A bill for an act to change the name of George Ann Florence Anderson to Florence Forney."

Read first and second time,

And referred to a select committee of one composed of Mr. Dundy.

H. F. No. 163, "An act to incorporate the Presbyterian church of Omaha city."

Read first time.

Message from the Executive:

EXECUTIVE CHAMBER,
Omaha, Jan. 7th, 1860.

To the Council:

Mr President:

I am instructed by the Governor to inform your honorable body that he has signed and approved the following bills:

"An act to authorize the transfer of certain territorial taxes assessed previous to the year 1859 to the counties in which the same were collected."

"An act to define the boundaries of Shorter county."

Also,

A "joint memorial and resolution asking for an appropriation to build a penitentiary for Nebraska."

JOHN MCCONIHE,
Private Secretary.

The Committee on Finance, Ways and Means, to whom was referred C. B. No. 84, "A bill for an act to authorize W. W. Wyman to purchase a safe for the use of the Territorial Treasurer and to provide for the manner of paying for the same,"

Have had the same under consideration and respectfully recommend its passage.

MILLS S. REEVES, Chairman.

Report adopted.

Mr. Furnas in the chair.

H. F. No. 164, "A bill for an act to locate a territorial road in Dodge county."

Read first and second time.

And referred to the Committee on Highways, Bridges and Ferries.

H. F. No. 160, "A bill for an act entitled 'An act to authorize R. W. Frame to keep a ferry across the Missouri river at Peru, N. T.

Read first and second times.

On motion,

Rules suspended.

Bill read third time.

And title agreed to.

H. F. No. 9, "A bill to relocate the county seat of Johnson county N. T."

Read first time.

C. B. No. 90, "Joint resolution for the relief of the engrossing and enrolling clerks."

Read second time,

And referred to Committee on Finance.

C. B. No. 87, "A bill for an act to dissolve the bonds of matrimony between Margaret J. Dupuy and Geo. Dupuy."

Mr. Doane rose to a point of order which was that the bill could not be considered because the same bill in substance had been rejected during this session.

President decided the point of order not well taken.

Mr. Doane took an appeal from the decision.

The question was shall the decision of the President be the sense of the Council.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Dundy, Porter, Scott and Donelan.—5.
Nays—Messrs. Doane, Little, Reeves.—3.

Chair sustained.

Mr. Little moved to indefinitely postpone the bill.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Cheever, Doane, Little, Reeves.—5,
Nays—Messrs. Dundy, Furnas, Porter, Scott, Mr. President.—5.

Lost.

Mr. Dundy moved the bill be referred to a select committee of three.

Mr. Doane moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Cheever, Doane, Little, Reeves—5.
Nays—Messrs. Dundy, Furnas, Porter, Scott, Mr. President.—5.

Lost.

Mr. Cheever moved to amend the motion by referring to the Committee on Judiciary.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Cheever, Doane, Little, Reeves.—5.
Nays—Messrs. Dundy, Furnas, Porter, Scott, Mr. President.—5.

Lost.
Call of the Council demanded.
All present.
Mr. Reeves moved further proceedings under the call to be dispensed with.
Carried.
Question recurring upon the motion to refer to a select committee:
Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Dundy, Furnas, Porter, Scott, Mr. President.—7.
Nays—Messrs. Cheever, Doane, Little, Reeves.—4.

Carried.

Messrs. Dundy, Collier, Scott, said committee.

C. B. No. 69, "A bill to provide for copying the Journals of the 6th session of the Legislature."
Mr. Doane moved to amend by striking out $200 and inserting $150.
Ayes and nays demanded.

Ayes—Messrs. Cheever, Doane, Little, Reeves.—4.
Nays—Messrs. Boykin, Collier, Dundy, Furnas, Porter, Scott, Mr. President.—7.

Lost.
Bill read third time.
Ayes and nays demanded upon the passage of the bill.

Ayes—Messrs. Boykin, Collier, Furnas, Porter, Scott, Mr. President.—6.
Nays—Messrs. Cheever, Doane, Dundy, Little, Reeves.—5.

Carried.
On motion,
Title agreed to.
C. B. No. "An act to locate a territorial road from De Soto to Fontenelle."
Read third time.
The bill passed and title agreed to.
C. B. No. 86, "An act to change and re-define the boundaries of Dixon, Cedar and L'eau-qui-Court counties."
Read third time.
The bill passed and title agreed to.
C. B. No. 84, "A bill for an act to authorise W. W. Wyman to buy a safe and to provide for the paying the same."
Read third time.

Bill passed and title agreed to.

C. B. No. 82, "An act to provide for the settlement of the accounts of the Territorial Treasurer."

Read third time.

Passed and title agreed to.

H. F. No. 156, "A bill to authorize John Maulding and Cyrus Wright to erect a mill-dam across the Great Nemaha river in Johnson county."

Read third time.

Mr. Little moved to refer the bill to a select committee of three with instructions to add a section giving the Legislature power to repeal the charter.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Cheever Doane, Little, Reeves.—5.

Nays—Messrs. Collier, Dundy, Furnas, Porter, Scott, Mr. President.—6.

Lost.

Ayes and nays demanded upon the passage of the bill.

Ayes—Messrs. Boykin, Collier, Dundy, Furnas, Porter, Scott.—6.

Nays—Messrs. Cheever, Little, Reeves.—3.

Bill passed.

On motion,

Title agreed to.

Mr. Boykin introduced

C. B. No. 99, "A bill to incorporate the town of La Fayette City, and establish a ferry."

Read first and second time,

And referred to Committee on Corporations.

C. B. No. 47, "A bill for an act fixing the salary of district attorneys and providing for the payment of the same."

Mr. Furnas moved to amend the first section by striking out "$1,600," and inserting "$2.000."

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Furnas, Little, Porter.—5.

Nays—Messrs. Cheever, Dundy, Reeves, Scott.—4.

Carried.

Bill read third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Boykin, Collier, Furnas, Little, Porter, Scott.—6.

Nays—Messrs. Cheever, Dundy, Reeves.—3.

Bill passed and title agreed to.

Mr. Reeves moved that the Council now proceed to the consideration of the Governor's veto to

"An act to incorporate the Platte river bridge and ferry company."

Carried.

Question recurring upon the passage of the bill, the veto of the Governor to the contrary notwithstanding.

Ayes and nays demanded.

Ayes—None.

Nays—Messrs. Boykin, Collier, Cheever, Doane, Furnas, Little, Porter, Reeves, Scott.—9.

Lost.

H. F. No. 21, "A bill for an act to frame a constitution and state government for the state of Nebraska,"

Was taken from the table.

Mr. Doane moved to amend the 7th section by striking out "$3,000" and inserting "$500."

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Cheever, Doane, Little, Mr. President.—6.

Nays—Messrs. Dundy, Furnas, Porter, Reeves, Scott.—5.

Carried.

Bill read third time.

Passed and title agreed to.

C. B. No. 56, "A bill for an act to exempt certain personal property from taxation,"

Together with the report thereto, were taken from the table.

On motion of Mr. Little,

The bill was indefinitely postponed.

Mr. Little moved to reconsider the vote.

Mr. Scott moved to lay the motion on the table.

Carried.

Mr. Dundy moved to reconsider the vote by which

H. F. No. 18, "A supplement to an act entitled 'An act to provide for the valuation and assessment of real and personal property, and the levy and collection of taxes in the Territory of Nebraska.'"

Was indefinitely postponed.

Carried.

Mr. Dundy moved that the bill be made the special order for Monday at 10 o'clock.

The standing Committee on Corporations to which was referred

C. B. No. entitled "An act to incorporate the town of La Fayette city and locate a ferry."

Have had the same under consideration and respectfully beg leave to report the same back without amendment and recommend its passage.

Geo. E. Scott,
Geo. W. Doane.

Report adopted.

Bill read third time.

Passed and title agreed to.

C. B. No. 50, "An act to repeal an act entitled 'An act regulating ferries,' approved Nov. 3d, 1858."

And

C. B. No. 75, "A bill for an act entitled 'An act to repeal an act for the charter of a bank to be located in Omaha city, Douglas county, N. T., to be called the Bank of Nebraska.'"

And

C. B. No. 76, "An act to provide for the service of process in justices' courts by publication in newspapers."

Together with the report thereto recommending the indefinite postponement of the same, were taken from the table.

On motion,

Report adopted.

C. B. No. 71, "A bill for an act to amend the liquor law."

Together with the report thereto was taken from the table.

Report adopted.

Mr. Furnas offered the following amendment which was adopted:

Mr. Furnas amends by adding as section 5:

Sec. 5. In section one, fourth paragraph, second line of the bill of which this is amendatory, strike out the words "to be distributed as other moneys," and insert in place thereof the words "to be applied and appropriated exclusively for the benefit of the school district in which the license may originate."

In section 15, line 4, between the words "Territory" and "within," insert the words "having a population exceeding five hundred inhabitants."

In same section, strike out all after the word "city" in 14th line, and insert in place thereof, "to be appropriated for the exclusive benefit of the school fund of the district in which the said town or city may be located, and for no other purposes."

On motion,

Bill ordered engrossed and read third time on Monday.

Message from the House:

House of Representatives,
Saturday, January 7th, 1860.

Mr. President:

I am instructed to return to your honorable body

C. B. No. 52, "A bill for an act to protect game in the Territory of Nebraska."

The same having passed the House without amendment.

I am further instructed to return to your honorable body,

H. F. No. 20, "An act to incorporate a seminary at Peru,"

The amendments of your honorable body thereto, and the report of the committee of conference thereon, the House having concurred in the amendments offered by the committee to the amendments proposed by our honorable body.

J. W. Moore, Chief Clerk.

The committee of conference to which was referred

H. F. No 20, "An act to incorporate a seminary at Peru," Have had the same under consideration, and have agreed to report the following amendments, and recommend the passage of the bill as amended, to wit:

In the second line of Council amendment to section 4, strike out "eighty" and insert "40."

In third line of same section, strike out "site" and insert "grounds."

E. S. Dundy, Jas. M. Arnett,
M. S. Reeves, Geo. A. Hinsdale.
John P. Baker,

Correct copy,
J. W. Moore, Chief Clerk.

C. B. No. 53, "A bill for an act to provide a penalty for assault and battery, and to confer jurisdiction in certain cases upon justices of the peace,"

Together with the reports thereto, were taken from the table.

Report adopted.

On motion,

Bill ordered engrossed and read third time on Monday.

On motion,

The Council adjourned.

S. M. Curran, Chief Clerk.

Council Chamber,
Monday, January 9th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Message from the House:

House of Representatives,
Monday, January 9th, 1860.

Mr. President:

I am instructed to deliver to your honorable body the following bills which have passed the House:

H. F. No. 29, "To locate a territorial road from Decatur to De Soto."

H. F. No. 141, "To dissolve the bonds of matrimony between Anna E. O'Neil and James D. H. O'Neil."

H. F. No. 173, "Joint resolution and memorial asking for an extension of mail service from Dakota to Fort Randall."

And to respectfully request the concurrence of your honorable body therein.
J. W. Moore, Chief Clerk.

The Committee on Engrossed and Enrolled Bills ask leave to report that

C. B. No. 53, "A bill for an act to provide a penalty for assault and battery, and to confer jurisdiction in certain cases upon justices of the peace."

And,

C. B. No. 71, "A bill for an act to amend the liquor law,"

Are correctly engrossed.

And,

C. B. No. 68, "An act to authorize Jacob M. Davis and A. C. Anderson to establish and keep a toll bridge and ferry across the Great Nemaha river in Richardson county."

Is correctly enrolled.

All of which is respectfully submitted.

Mills S. Reeves, Chairman.

The Committee on Territorial Library to which was referred

C. B. No. 94. Have had the same under consideration and beg leave to report the same back without amendment, and recommend its passage. **Thos. T. Collier.**

Report adopted.

The Committee on Corporations to which was referred

H. F. No. 136, "A bill for an act to incorporate the Omaha building and loan association."

Also,

H. F. No. 143, "An act to incorporate the University of Columbus in in Platte county."

Have had the same under consideration and recommend its passage without amendment. **Geo. E. Scott.**

Report adopted.

The select committee to which was referred

H. F. No. 159, "A bill for an act to change the name of Geo. Ann Florence Anderson to Florence Forney."

Has had the same under consideration and recommend its passage without amendment. **E. S. Dundy.**

Report adopted.

The select committee to which was referred

C. B. No. 87, entitled "A bill for an act to dissolve the bonds of matrimony between Margaret J. Depuy and Geo. Depuy."

Have had the same under consideration and respectfully ask leave to report the same back without amendment and recommend its passage.

E. S. Dundy,
Geo. E. Scott,
Thos. T. Collier.

Laid over under the rules.

The Committee on Highways, Bridges and Ferries to which was referred

H. B. 164, entitled "A bill for an act to locate a territorial road in Dodge county."

Also,

H. B. No. 149, entitled "An act supplemental to 'An act for locating, opening and repairing county roads,' approved Oct. 29, 1858."

Also,

H. B. No. 98, entitled "A bill to authorize J. B. Weston to erect a mill-dam across Big Blue river."

Have had the same under consideration and report the same back without amendment and recommend their passage.
E. S. Dundy,
T. J. Boykin,
Geo. E. Scott.

Also,

A bill to establish and locate a territorial road in Nemaha and Pawnee counties, entitled

"An act to locate a territorial road in Nemaha and Pawnee counties."

And recommend its passage. E. S. Dundy.

Report adopted.

Mr. Reeves introduced

C. B. No. 100, "A bill for an act to repeal certain sections of the civil code."

Read first and second time.

And referred to the Committee on Judiciary.

Mr. Collier introduced

C. B. No. 101, "A bill to incroporate the city of Ionia."

Read first and second time,

And referred to the Committee on Corporations.

Mr. Dundy introduced

C. B. No. 102, "An act to authorize the holding of special terms of district courts in Nebraska."

Read first and second time,

On motion,

Rules suspended,

Bill read third time,

Passed and title agreed to.

Mr. Dundy introduced

C. B. No. 103, "An act to locate a territorial road in Nemaha and Pawnee counties."

Read first, second and third time,

Passed and title agreed to.

The Committee on Counties to which was referred

A resolution from the citizens of Dodge county, relative to changing the boundary line between Dodge and Washington counties, beg leave to report that a bill embracing the same object is now before the House and asks to be discharged from the further consideration of the resolution.
John R. Porter,
Geo. E. Scott.

Report adopted.

Mr. Boykin introduced

C. B. No. 104, "Joint resolution to compensate L. Dreskill, fireman for the Council."

Read first, second and third time,

Passed and title agreed to.

C. B. No. 97, "An act to organize West county, to define the boundaries and locate the county seat."

Read second and third time,

Passed and title agreed to.

Mr. Scott moved to reconsider the vote by which the bill passed, and moved to lay that motion on the table.

Carried.

H. F. No. 9, "A bill to re-locate the county seat of Johnson county, N. T."

Read second time.

Referred to the Committee on Counties.

C. B. No. 88, "A bill for an act appropriating money to erect a bridge across the Little Nemaha river."

Read second time,

And referred to a select committee consisting of

Messrs. Furnas, Boykin and Collier.

H. F. No. 164, "A bill to locate a territorial road in Dodge county."

Read third time.

Question upon its passage

Lost.

H. F. No. 157, "A bill for an act to change the name of Geo. Ann Florence Anderson to Florence Forney."

Read third time.

Passed and title agreed to.

C. B. No. 53, "A bill for an act to provide a penalty for assault and battery, and to confer jurisdiction in certain cases on justices of the peace."

Read third time.

Passed and title agreed to.

C. B. No. 71, "A bill for an act to amend the Liquor Law."

Read third time.

Passed and title agreed to.

H. F. No. 136, "A bill for an act to incorporate the Omaha loan and building association."

On motion,

Recommitted to the Committee on Judiciary.

H. F. No. 149, "An act supplemental to an act for locating, opening and keeping county roads."

Read third time.

Passed, and title agreed to.

C. B. No. 94, "A bill for an act defining the duties of the Territorial Librarian."

Read third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Boykin, Collier, Doane, Furnas, Porter, Scott.—6.
Nays—Messrs. Cheever, Dundy, Little, Reeves.—4.

Carried.

Mr. Doane moved to reconsider the vote by which the bill was passed.

Carried.

On motion,

The bill was recommitted to the Committee on Finance.

H. B. No. 98, "A bill to authorize J. B. Weston to erect a mill-dam across Big Blue river."

Read third time,

Passed and title agreed to.

H. F. No. 163, "An act to incorporate the Presbyterian church in Omaha city."

Read second and third time.

Passed and title agreed to.

On motion,

The report of the committee on conference in relation to

H. F. No. 20, "An act to incorporate a seminary at Peru."

Was taken from the table.

On motion,

Report adopted.

H. F. No. 18, "A supplement for an act entitled 'A bill for an act to provide for a valuation and assessment of the real and personal property, and the levy and collection of taxes in the Territory of Nebraska.'"

Being the special order at this time.

On motion of Mr. Cheever

The Council resolved itself in a Committee of the Whole to consider said bill.

Mr. Cheever in the chair.

After remaining some time therein the committee rose and reported progress and asked leave to set again.

Carried.

Message from the Executive:

Executive Chamber,
Omaha, January 9th, 1860.

Mr. President:

I am directed by the Governor to announce to your honorable body the following message, and to return herewith a bill for "An act to prohibit slavery."

John. McConihe,
Private Secretary.

To the Honorable the Council of Nebraska Terrritory:

I herewith return to you, "An act to prohibit slavery," unsigned and with my objections.

This act, necessarily, involves the whole question of power or jurisdiction over the subject matter. If slavery exists here in law, or in fact, to prohibit is to abolish it. If it does not exist, where is the need for legislation? But I do not stop to measure the relative value of mere words, which may be used, indifferently, and for the same object.

This bill, I suppose, is intended to interdict slavery, or involuntary servitude, within the Territory; and, I suppose, is likewise intended to raise the question, whether the Territorial Legislature can do it. At all events it does so.

For the purpose of considering the question, with distinctness, I will first examine it, as it may or may not be affected by the treaty with France. This Territory was part of Louisiana, and all agree that when we acquired Louisana in 1803, it was slave territory, and slaves were *property*. The third article of the treaty by which Louisiana became acquired to the United States, is important at this point. It is a part of the treaty-compact that "the inhabitants of the ceded territory shall be incorporated in the United States, and admitted as soon as possible, according to the provisions of the Federal Constitution, to the enjoyment of all the rights, privileges and immunities of citizens of the United States; and *in the mean time*, they shall be protected in the free enjoyment of their *liberty*, *property*, and the *religion* which they profess."

As I have had occasion to remark in another communication addressed to you, Nebraska, as a part of the Louisiana purchase, was acquired to become a state, and for no other purpose. For this purpose, and this alone, is there any power under the constitution to acquire foreign territory. I do not enlarge upon this point, having already discussed it at length.

It is a stipulation in the treaty "that the inhabitants of the ceded territory shall be incorporated in the Union of the United States," and it is every whit as strong a stipulation that "in the mean time" they shall be protected in "the free enjoyment of their *liberty*, *property* and the *religion* which they profess." The faith of the country is pledged to it, and it is just as good to the inhabitants of Nebraska Territory to-day, or any day, as it was to the first inhabitants in 1803. Mr. John Quincy Adams understood this perfectly, and disposed of the question very briefly and conclusively, when Arkansas was before congress for admission, in 1836. "She is entitled to admission as a slave state, as Louisana and Missouri have been admitted," by virtue of "that article in the treaty for the purchase of Louisiana, which secures to the people of the *ceded territories*, all the rights, privileges and immunities of the original citizens of the United States, and stipulates for their admission, conformably to that principle, into the Union. * * * * Arkansas, therefore, comes, and has a right to come, into the Union, with her slaves and her slave laws. It is written in the *bond*, and however I may lament that it ever was so written, I must faithfully perform its obligations." Now, what was written in the bond? Was it not that the people of the ceded territories are to be secured in their rights of property, person and religion, as well as that they should be admitted into the Union on an equal footing with the original states?

In the Dred Scott case, Mr. Justice Catron says: "Louisiana was a province, when slavery was not only lawful, but where property in slaves was the most valuable of all personal property. The province was ceded as a *unit*, with an equal right pertaining to all its inhabitants, in every part thereof, to own slaves * * * * * To enable the United States to fulfill the treaty, additional population was indispensable and obviously desired, with anxiety, on both sides, so that the whole country should, as soon as possible, become states of the Union. And for this contemplated future population, the treaty as expressly provided, as it did for the inhabitants residing in the province. All these were to be protected, *in the mean time*," that is to say, at all times "between the date of the treaty, and the time when the portion of the Territory where the inhabitants resided was admitted into the Union as a state." "At the date of the treaty," he further remarks, "each inhabitant had the right to the free enjoyment of his *property*, alike with his *liberty* and his *religion*, in any part of Louisiana."

To surmount the treaty difficulty, was considered worth a labored effort by Mr. Justice Curtis, in the Dred Scott case. It occupies four full pages of his able, dissenting opinion. His effort was to show, that Congress might prohibit slavery in the Territory of which Nebraska is a part. On the strength of Elom and Neilson, 2 Peters 314, and Garcia vs. Lee, 12 Peters, 519, he argues that the stipulation in the treaty addresses itself to the political or legislative power, and is not a law for the government of the court. It is enough to say that these cases are cases of disputed boundaries between nations; and, of course, for the political department of the government, and not for the judicial. "The judiciary is not that *department of the government to which the assertion of its interests against foreign powers is confided*" But under the third article, individual rights of *person*, *property*, and *religion* ~~are~~ guaranteed, and may not be swept away by legislation.

It is also said that, "the stipulation was temporary, and ceased to have any effect when the *then inhabitants* of the territory of Louisiana, in whose behalf the stipulation was made, were incorporated into the Union." In other words, that the state of Louisiana, on her admission into the Union, swallowed up all the rights guaranteed by the treaty to the rest of the territory, including, of course, Arkansas, Missouri, Iowa and Minesota, while in a territorial condition, and Nebraska now. This startling declaration is made on the strength of Chief Justice Marshall's opinion, in 9 Peters, 223, to which Mr. Justice Curtis refers as follows: "in the case of New Orleans vs. De Armas et. al. (9 Peters, 223), the question was, whether a title to property which existed at the date of the treaty, continued to be protected by the treaty after the state of Louisiana was admitted into the Union. The third article of the treaty was relied on. Mr. Chief Justice Marshall said: "This article obviously contemplates two objects. One, that Louisiana shall be admitted into the Union as soon as possible, on an equal footing with the other states; and the other, that, till such admission, the inhabitants of the ceded territory, shall be protected in the free enjoyment of their liberty, property and religion. Had any one of these rights been violated while these stipulations continued in force, the individual supposing himself to be injured, might have brought his case into this court, under the twenty-fifth section of the judicial act. But this stipulation ceased to operate when Louisiana became a member of the Union, and its inhabitants were "admitted to the enjoyment of all the rights, advantages and immunities of the citizens of the United States."

And yet, what does this opinion all amount to, except, that so far as the *state* of Louisiana *itself* was concerned, the stipulation ceased to operate, because that state had passed beyond "*the mean time*" mentioned in the third article of the treaty; and its inhabitants were admitted to the "enjoyment of all the rights, advantages and immunities of the citizens of the United States."

It is then a fair and irresistible conclusion, that the third article of the treaty did include the whole of the Louisiana purchase; and it is an undeniable truth, that the citizens of the several states might go into any of the territories carved out of the acquisition, and carry with them their property. "The whole territory," says the Supreme Court of the United States, "was acquired by the general government, as the representative and trustee of the people of the United States; and it must therefore be held in that character, for their common and equal benefit; for it was the people of the several states, acting through their agent and representative, the federal government, who, in fact, acquired the territory in question, and the government holds it for their common use, until it shall be associated with the other states, as a member of the Union." And this is in perfect harmony with our whole system.

The federal government is a government of states, and not of individuals or of masses. People make up the states, and states make the confederacy. Though the general government acts on individuals, within and without the states, it is only in the exercise of powers, delegated by the states, and conferred in the constitution.

In the first American congress of 1774, colonies came together, through their representatives, and by a union of colonies, the wrongs of Massachusetts bay were made the wrongs of Pennsylvania and Virginia. The revolution was not a social revolution — it was political. It was a revolution of colonies by name. The congress of 1776 was a congress of colonies, and the declaration was alive with the one great truth, "that these United colonies *are*, and of right ought to be, free and independent states." They made good their declaration, and became, not only free, but sovereign — each one sovereign and independent within itself. The articles of confederation were entered into by states; the constitution was formed by a convention of states, each state adopting the constitution for itself, thus making it, as far as applicable, "a law unto itself."

All territory is acquired to become a state; but it is likewise acquired for the common benefit of the existing states. It is theirs, and the federal government holds it as their trustee. Consequently, every citizen of every state has a share in it. It is his in the first instance, because he is a citizen of some one of the United States, and he has a right to enter into the territory, clothed with his rights as a citizen of the state. He takes his property with him, from his own state, and if he may not do so, then the territory is not acquired for the common and equal benefit of the several states. Does the constitution of the United States then, carry slavery into the territories? No; but under the constitution, and by virtue of it, the federal government acquires territory for the common and equal benefit of the several states — slave-holding and non-slaveholding alike. Being acquired, all may go into it, with their property, of whatever kind, and if they may not, there is no equality. That the constitution recognizes slaves as property, is settled beyond a doubt. And though it carries slavery nowhere, it sometimes follows it. A slave held by the laws of Kentucky, escapes into Ohio; under the constitution, he is still as much property as he was before. The law of Kentucky does not follow him, nor can it hold him within the state where slavery is prohibited; but the constitution can, and does. So there is no escape from the fact, that outside of the state limits, the constitution does assert the right of the master to his slave as property, and it recognizes the relation existing between them, as lawful. It is a special provision, I admit, but it must be borne in mind that it is not the special provision, which makes him property. It recognizes the right of property as already existing. When this territory was first organized, had the citizens of all the states the right to come into it, with their families and their flocks? Had the citizens of Missouri the same right to enter into the enjoyment of their common estate, as the citizens of Iowa, and had both the right to bring with them any property which they saw fit? If they might not, by what law were they restrained or forbidden? Surely not by the treaty, for it is sealed to the protection of property, persons, and religion alike. With it, these three are equally sacred. Not by the prohibition of 1820, called, in awful mockery, the Missouri compromise, for that was repealed, and is now pronounced unconstitutional and void. I assume then, that the citizens of the states owning slaves had the right to come here with their property when the territorial government was organized. Some few persons did come with their slaves, and still fewer remained; for the overruling reason that Nebraska is no place for slave labor. Were the slaves of those few set free, by the fact of their having been brought into this territory? Some were enticed or stolen away, but no process of law was ever invoked, or could have been invoked, to have them pronounced free.

This brings us to the question of power in the Territorial Legislature. Have we the power to manage our domestic affairs in our own way, and exercise the rights of legislation as a free people? I answer we have, beyond peradventure or doubt. But communities, like individuals, have relative duties, as well as absolute and relative rights; we must use our own rights, so that we do not injure or take away the rights of others. This is good morals and good law. The doctrine of the rights of the states, lies at the very foundation of our political fabric. To legislate against the rights of any one state, is to strike a mortal blow at the rights of all.

In this attempt to prohibit slavery by an act of the Territorial Assembly, I am constrained to say you have overlooked the true intent and meaning of the organic law.

It should be remembered that the restrictive line against slavery, known as 36 deg. 30 min., was designed, not only to control the territories north of that line but to exclude slavery forever from all states to be formed between that line and the 49th degree; thus making the act of Congress to operate on states, as well as territories. I say this was the design in the act of 1820, and Mr. Clayton proved it in the Senate. Indeed, the great object was, "to have no more slave states."

At the organization of Kansas and Nebraska, the Missouri restriction was blotted out, and declared inoperative and void; "it being the true intent and meaning of this act not to legislate slavery into any territory or state, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States." This was the triumph of popular sovereignty over congressional restriction: The right of the people to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States. Surely you can not think that this meant the Territorial Legislature created in the same law and by the same congress. Is that popular sovereignty? Let us look. "And be it further enacted, that the legislative power and authority of said Territory shall be vested in the Governor and Legislative Assembly." And the Governor, or executive, has a voice equal to more than a majority of each House. I need hardly say he is appointed by the President, and may never be seen of "the people" before his appointment. However agreeable it might be to you and to me to suppose that we are "*the people*" in the sense of the organic act, I fear that we must surrender the soft delusion. It is true you are elected by the people; but they did not form the system under which you are elected. Congress and the President did all that; nay more, they shaped the system in all its details, even to the number of each House, and the very days that the Legislature may consume in each session.

I intend the utmost respect, but I must say "the people" mentioned in the 14th section of the organic act, never did mean and never was intended to mean "the Territorial Assembly."

It was the people of the Territory, in their original and sovereign capacity, and they only, which could have been intended. "The sovereignty of a state" (says Judge McLean), "does not reside in the persons who fill the different departments of its government; but in the people from whom the government emanated, and who may change it at their discretion." This is true. When the people of this Territory meet in convention to frame a constitution for a state, they will then, for the first time form their domestic institutions. This is a creative power, and implies permanency. They will likewise form and regulate their domestic institutions, in their own way, subject only to the constitution of the United States. Speaking of your powers, which are temporary, because the territorial government itself is but temporary, the organic act says, they "shall extend to all rightful subjects of legislation consistent with the constitution of the United States, and the provisions of this act."

But not so when "*the people*" are referred to. They are subject only to the constitution of the United States." In creating their own constitution, and thus preparing to form and regulate their domestic institutions, in their own way (not the way prescribed by congress for the mere territorial government), they are not subject to the "provisions of this act," but "only to the constitution of the United States."

And in thus forming their own institutions, in their own way, and entering the Union, with or without slavery, as they themselves may determine, *the people* vindicate the great doctrines of state sovereighty and popular sovereignty together, and illustrate the harmonious workings of a perfect and complete system. SAMUEL W. BLACK.

Executive Chamber, January 9, 1860.

The Council proceeded to reconsider.

Mr. Furnas offered the following resolution, which was adopted:

Resolved, that 500 copies of the Governor's message just read be printed, and that the subject matter be made the special order on Wednesday, at 10 o'clock.

H. F. No. 118, "An act for the location of the county seat of Richardson county by a vote of the people,"

Together with the reports were taken from the table.

Mr. Dundy moved the adoption of Mr. Collier's report.

Call of the Council demanded.

Mr. Doane absent.

Mr. Dundy moved that all further proceedings under the call be dispensed with.

Carried.

On motion,

Mr. Doane was excused.

Question recurring upon the motion to adopt Mr. Collier's report.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Cheever, Dundy, Furnas, Scott.—6.

Nays—Messrs. Little, Porter, Reeves.—3.

Carried.

Mr. Little moved to amend the bill by adding to the last section, "Provided that the lots of land in the town of Salem, heretofore conveyed to the county of Richardson by the proprietors of the said town, and afterwards by the mayor of said town for county purposes, to aid in the erection of public buildings, shall be re-transferred to the county commissioners of said county, for the benefit of the proprietors aforesaid."

Mr. Boykin moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Cheever, Dundy, Furnas, Scott.—6.

Nays—Messrs. Little, Porter, Reeves.—3.

Carried.

Mr. Little moved to amend by striking out section 9.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Cheever, Dundy, Furnas, Scott.—6.
Nays—Messrs. Little, Porter, Reeves.—3.

Lost.

Mr. Porter moved to strike out the ninth and tenth sections of the bill.

Mr. Dundy moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Cheever, Dundy, Furnas, Scott.—6.
Nays—Messrs. Little, Porter, Reeves.—3.

Lost.

Mr. Dundy moved the bill be read third time and put upon its passage.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Cheever, Dundy, Furnas, Scott.—6.
Nays—Messrs. Little, Porter, Reeves.—3.

Carried.

Bill read third time,

Passed and title agreed to.

Mr. Dundy moved to reconsider the vote by which the bill passed, and moved to lay that motion on the table.

Ayes and nays demanded:

Ayes—Messrs. Boykin, Collier, Cheever, Dundy, Furnas, Scott.—6.
Nays—Messrs. Little, Porter, Reeves.—3.

Carried.

Message from the House:

House of Representatives,
Monday, January 9th, 1860.

Mr. President:

I am instructed to inform your honorable body

H. F. No. 3, "An act to frame a constitution and state government for the state of Nebraska."

Together with the amendment proposed by your honorable body thereto.

The House having refused to concur therein.

J. W. Moore, Chief Clerk.

Message from the House in relation to the state organization bill was taken from the table.

Mr. Furnas moved that the Council recede from its amendments thereto.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Cheever, Furnas, Porter, Reeves, Scott.—6.
Nays—Messrs. Collier, Doane, Little.—3.

Carried.

Mr. Collier made the following report which was adopted.

The Committee on Finance, Ways and Means to whom was referred C. B. No. 77, "A joint resolution for the determination of the claims of the code commissioners of 1855 and their clerks."

Have had the same under consideration and respectfully recommend that the same be indefinitely postponed.

M. S. Reeves,
Geo. W. Doane.

Laid over under rules.

Mr. Collier introduced

C. B. No. 105, "A bill for an act to legalize the collection of taxes in Cedar county for the year 1859."

Read first and second time.

On motion,

Read third time.

Passed and title agreed to.

Mr. Boykin introduced

C. B. No. 106, "A bill for an act to authorize Henry Z. Chapman and Frank Coffman to keep a ferry."

Read the first and second and third time.

Passed and title agreed to.

On motion,

The Council resolved itself into a Committee of the Whole to take into consideration.

H. F. No. 18, "A supplement to an act entitled 'A bill for an act to provide for the valuation and assessment of the real and personal property, and the levy and collection of taxes in the Territory of Nebraska.'"

Mr. Doane in the chair.

After remaining therein sometime, the committee rose, and reported the bill back, and recommended its recommittal to the Committee on Finance.

On motion of Mr. Boykin,

The committee were instructed to report to-morrow, or as soon as possible.

H. F. No. 123, "A bill for an act for the relief of Lacy & McCormick and Geo. Clayes."

Read the first time.

Mr. Boykin introduced

C. B. No. 107, "Joint resolution for the relief of Frank Lehmer, page of the Council."

Read the first and second time.

Referred to the Committee on Expenditures.

H. F. No. 29, "A bill for an act entitled 'An act to locate a territorial road from Decatur to De Soto.'"

Read first and second time,

And on motion,

The rules were suspended.

Bill read a third time.

Passed and title agreed to.

Mr. Scott offered the following resolution, which was agreed to.

Resolved, That 1,000 copies of the "Bill for an act to frame a constitution and state government for the state of Nebraska," be printed.

Mr. Reeves introduced,

C. B. No. 108 "An act in relation to jurors' fees."

Read first and second time.

Referred to the Committee on the Judiciary.

H. F. No. 173, "A memorial and joint resolution relative to a mail route."

Read first and second time.

And on motion,

The rules were suspended.

And bill read third time by its title.

Passed and title agreed to.

H. F. No. 53, "An act to extend the jurisdiction of the district and probate courts."

Together with the reports thereto were taken from the table.

Mr. Doane moved the adoption of the report.

Mr. Porter moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Collier, Cheever, Dundy, Furnas, Porter, Reeves, Scott. —7.

Nays—Mr. Doane.—1.

Carried.

Bill read a third time.

The ayes and nays demanded upon its passage.

Ayes—Messrs. Collier, Dundy, Porter.—3.

Nays—Messrs. Cheever, Doane, Furnas, Little, Reeves, Scott.—6.

Lost.

Message from the House:

House of Representatives,
Monday, Jan. 9th, 1860.

Mr. President:

I am instructed to solicit the concurrence of your honorable body in the following bills which have passed the House:

H. F. No. 181, "An act to incorporate the Lutheran church of Omaha city."

H. F. No. 165, "A bill for an act explanatory of an act legalizing the collection of taxes in Cass for the year 1857."

H. F. No. 63, "A bill for an act to regulate line fences, and define what constitutes a lawful fence."

I am also instructed to inform your honorable body that your amendments to

H. F. No. 108, "An act to fix the times of holding the district courts in the second judicial district,"

Have been concurred in by the House.

J. W. Moore, Chief Clerk.

On motion,

The Council adjourned. S. M. Curran, Chief Clerk.

Council Chamber,
Tuesday, Jan. 10th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

The Committee on Counties to which was referred

H. F. No. 9, "A bill to re-locate the county seat of Johnson county,"

Have had the same under consideration, and find that eighty votes were all that were polled at the last election, and your committee having received a remonstrance from the citizens of Johnson county, signed by sixty persons, which being a majority of the legal votes of said county, your committee would recommend the indefinite postponement of the bill.

Jno. R. Porter,
Thos. T. Collier.

Report adopted.

Message from the House:

House of Representatives,
Tuesday, January 10th, 1860.

Mr. President:

I am instructed to inform you that the House has passed the following bills:

H. F. No. 93, "An act to incorporate a seminary to be located in the city of Florence, Douglas county, N. T."

H. F. No. 111, "A bill for an act to incorporate the Dixon town and ferry company."

H. F. No. 49, "An act to provide for the erection of a jail in Otoe county."

H. F. No. 131, "A bill for an act to authorize Jesse D. Thompson to keep a ferry at Liberty."

H. F. No. 47, "A bill for an act to prevent over drawing public funds in counties, and to compel county commissioners to give bonds."

H. F. No. 179, "A bill for an act to authorize Stephen D. Shinn, T. R. & R. McMurray to establish and keep a ferry across Platte river."

H. F. No. 117, "An act to redefine the western boundaries of Washington county."

H. F. No. 152, "A bill for an act to authorize James C. Crawford and his associates to establish a ferry at West Point."

H. F. No. 172, "A bill for an act to authorize John McCarthy and John M. Hays to keep a ferry across the Missouri river at St. John's city, N. T."

H. F. No. 42, "An act to vacate a part of the town site of the town of Wyoming."

H. F. No. 132, "A bill to authorize James A. Carmichael to keep a ferry across the Missouri river at Otoe city, Otoe county, N. T."

H. F. No. 147, "An act for holding district courts at Columbus, Platte county."

H. F. No. 82, "An act to attach a part of Monroe county to Platte county."

H. F. No. 33, "A bill for an act to amend an act entitled 'An act for the better regulation of schools in Nebraska,' approved Nov. 4, 1855."

In all of which the concurrence of your honorable body is respectfully requested.

I am also instructed to return to your honorable body

"An act to establish the county of Dawson and define its boundaries."

Also,

C. B. No. 69, "A bill for an act to provide for copying the journals."

The same having passed the House without amendment.

James W. Moore, Chief Clerk.

Mr. Cheever introduced

C. B. No. 110, "Joint resolution and memorial asking that all that portion of Nebraska Territory lying south of the Platte river be annexed to Kansas."

Read first and second times.

Mr. Doane moved the indefinite postponement of the resolution.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Doane, Little.—4.

Nays—Messrs. Cheever, Dundy, Furnas, Porter, Reeves and Mr. President.—6.

Lost.

The Committee on Finance, Ways and Means to which was referred

C. B. No. 90, "Joint resolution for the relief of Enrolling and Engrossing Clerks,"

Have had the same under consideration, and have instructed me to report the accompanying bill as a substitute for the bill under consideration, and recommend its passage.

All of which is respectfully submitted.

Mills S. Reeves,
E. S. Dundy.

Report adopted.

H. F. No. 94, "An act to provide for the erection of a jail in Otoe county."

Read first time.

On motion,

Rules suspended.

Read second and third time by title.

Passed and title agreed to.

H. F. No. 179, "A bill for an act to authorize Stephen D. Shinn and T. R. and R. McMurray to establish and keep a ferry across Platte river."

Read first time.

H. F. No. 47, "A bill for an act to prevent overdrawing public funds in counties, and to compel county commissioners to give bonds."

Read first and second time.

On motion,

Rules suspended.

Bill read third time.

Passed and title agreed to.

H. F. No. 147, "An act for holding district courts at Columbus, Platte county."

Read first and second time,

On motion,

Rules suspended.

Bill read third time.

Passed and title agreed to.

H. F. No. 33, "A bill for an act to amend an act entitled 'An act for the better regulation of schools in Nebraska.'"

Read first and second times.

On motion,

Referred to the Committee on Education.

The Committee on Engrossed and Enrolled Bills ask leave to report that

C. B. No. 72, "An act to protect game in the Territory of Nebraska," and

H. F. No. 20, "An act to incorporate a seminary at Peru,"

Are correctly enrolled. MILLS S. REEVES, Chairman.

On motion,

H. F. No. 79, "A bill for an act to authorize Stephen D. Shinn and T. R. and R. McMurray to establish and keep a ferry across Platte river,"

Was taken from the table.

On motion,

Read second time.

Mr. Doane moved its reference to the Committee on Expenditures.

Carried.

On motion of Mr. Dundy,

The committee were instructed to report to-morrow morning.

H. F. No. 132, "A bill to authorize James D. Carmichael to keep a ferry across the Missouri river at Otoe city."

Read first and second time,

On motion,

Referred to the Committee on Expenditures.

H. F. No. 131, "A bill for an act to authorize Jesse D. Thompson to keep a ferry at Liberty."

Read first and second time,

On motion,

Referred to the Committee on Judiciary, with instruction to report to-morrow.

H. F. No. 82, "An act to attach a part of Monroe county to Platte county."

Read first and second time.

On motion,

Rules suspended,

Read third time,

Passed and title agreed to.

H. F. No. 165, "A bill for an act explanatory of an act to legalize the collection of taxes in Cass county in the year 1857."

Read first and second times.

On motion,

Rules suspended.

Read the third time.

Passed and title agreed to.

H. F. No. 181, "An act to incorporate the Lutheran church in Omaha city."

Read first and second times.

On motion,

Rules suspended.

Read the third time.

Passed and title agreed to.

H. F. No. 141, "A bill for an act to dissolve the bonds of matrimony between Anna E. O'Neal and J. D. H. O'Neal."

Read first time.

H. F. No. 63, "A bill for an act to regulate line fences and define what constitutes a lawful fence."

Read first and second times.

On motion,

Referred to the Committee on Agriculture.

H. F. No. 152, "A bill for an act to authorize James C. Crawford and his associates to establish a ferry at West Point."

Read first time.

H. F. No. 172, "A bill for an act to authorize John J. Tracy, John McCarthy and John M. Hays to keep a ferry across the Missouri river at St. Johns city."

Read first time.

H. F. No. 42, "An act to vacate a part of the town site of the town of Wyoming."

Read first and second times.

On motion,

Rules suspended.

Bill read third time.

Passed and title agreed to.

H. F. No. 93, "An act to incorporate a seminary to be located in the the city of Florence, Douglas county, N. T."

Read first and second times.

On motion,

Referred to the Committee on Education.

H. F. No. 111, "A bill for an act to incorporate the Dixon town and ferry company."

Read first time.

H. F. No. 117, "An act to redefine the western boundaries of Washington county."

Read first and second time,

On motion,

Referred to the Committee on Counties.

H. F. No. 123, "A bill for an act for the relief of Lacey & McCormick and George Clayes."

Read second time.

On motion,

Referred to the Committee on Military Affairs.

H. F. No. 143, "An act to incorporate a university at Columbus in Platte county."

Read a third time,

Passed and title agreed to.

C. B. No. 90, "Joint resolution for the relief of the Engrossing and and Enrolling Clerks."

Read third time,

Passed and title agreed to.

C. B. No. 77, "Joint resolution for the determination of the claims of the code commissioners of 1855 and their clerks."

Together with the report thereto, was taken from the table.

Question being upon the adoption of the report.

It was lost.

Mr. Reeves offered the following amendment:

"Provided that no allowance shall be made under this resolution until full and satisfactory proof shall be made of the service for which compensation is claimed, and that he shall not allow more than five dollars to the commissioners, nor more than four dollars per day to the clerks."

Mr. Dundy moved to amend the amendment by inserting that, "ten per cent interest be allowed on the payment from the time the service was rendered to the present time."

Carried.

Mr. Doane moved to further amend the amendment by striking out "five dollars" for the commissioners and inserting "four dollars," and strike out "four dollars" for the clerks and insert "three dollars."

Division of the question demanded.

Question recurring upon the motion to strike out "five dollars" for the commissioners and insert "four dollars."

It was carried.

Question now was upon the motion to strike out "four dollars" for the clerks and insert "three dollars"

Carried.

Question recurring upon the amendment as amended.

Carried.

On motion,

The bill was read third time.

Passed and title agreed to.

H. F. No. 87, "A bill for an act to dissolve the bonds of matrimony between Margaret J. Dupuy and George Dupuy."

Mr. Little moved the indefinite postponement of the bill.

Call of the Council demanded.

Mr. Boykin absent.

Sergeant-at-Arms dispatched after absentee.

On motion,

All further proceedings under the call were dispensed with.

Mr. Reeves moved the bill be made the special order for Friday next.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Doane, Little, Reeves.—4.

Nays—Messrs. Boykin, Collier, Dundy, Furnas, Porter, Scott.—6.

Lost.

Mr. Doane moved to amend by striking out all after the word "dissolved" in first section.

Mr. Dundy moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Collier, Dundy, Furnas, Porter, Scott and Mr. President.—6.

Nays—Messrs. Boykin, Cheever, Doane, Little, Reeves.—5.

Carried.

Mr. Reeves moved to amend by inserting "that this act shall be null and void if it shall be made to appear that George Dupuy has not been confined in the Missouri penitentiary."

Mr. Doane moved to amend the amendment by adding between the words "void" and "that" the words "if it shall be made to appear before a court of competent jurisdiction."

Amendment accepted.

Mr. Dundy moved to lay the amendment on the table.

Ayes and nays demanded.

Ayes—Messrs. Collier, Dundy, Furnas, Porter, Scott and Mr. President.—6.

Nays—Messrs. Boykin, Cheever, Doane, Little and Reeves.—5.

Carried.

On motion,

Bill read third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Collier, Dundy, Furnas, Porter, Scott and Mr. President.—6.

Nays—Messrs. Boykin, Cheever, Doane, Little and Reeves.—5.

Bill passed.

On motion,

Title agreed to.

The Committee on Engrossed and Enrolled Bills report.

C. B. No. 98, "A bill for an act to locate a territorial road from St. Johns to the Ponca reservation,"

And

C. B. No. 77, "A joint resolution compensating the code commissioners and clerks,"

As correctly engrossed. R. W. Furnas.

The committee to which was referred

"A bill to re-apportion the Council and House of Representatives of the Territory of Nebraska,"

Have had the same under consideration, and beg leave to report the accompanying substitute and recommend its passage.

Thos. T. Collier,
J. H. Cheever,
R. W. Furnas.

Laid over under the rules.

Your Committee on Corporations to which was referred

C. B. No. 101, "A bill to incorporate the city of Ionia,"

Have had the same under consideration, and beg leave to report it back, and recommend its passage without amendment.

Geo. E. Scott, Chairman.

Report adopted.

The Committee on Judiciary to which was referred

H. F. No. 136, "A bill for an act to incorporate the Omaha building and loan association,"

Has had the bill under consideration, and beg leave to report the same back without amendment, and recommend its passage.

The same committee, to which was referred

C. B. No. 108, "A bill for an act in relation to jurors' fees,"

Had the same under consideration, and also

C. B. No. 100, "A bill for an act to repeal certain sections of the civil code,"

And beg leave to report the same back without recommendation.

Geo. W. Doane,
W. A. Little.

Report adopted.

The Committee on Expenditures, to which was referred

C. B. No. 107, "A joint resolution for the relief of Frank Lehmer, page of the Council,"

Having had the same under consideration, beg leave to report said resolution back to the Council with the following amendment:

Strike out in the last line the words "and twenty," and recommend its passage.

W. A. Little,
Jno. R. Porter.

Report adopted.

The Committee on Judiciary to which was referred

C. B. No. 67, "A bill for an act to prevent trespassing on timber lands."

Having had the same under consideration beg leave to report said bill back without amendment and recommend its passage.

W. A. Little,
Geo. W. Doane.

Report adopted.

Your committee to whom was referred

H. F. No. 179, "A bill for an act to authorize Stephen D. Shinn, T. R. & R. McMurray to establish and keep a ferry across Platte river."

Having had the same under consideration beg leave to report said bill back to the Council with the following amendment: Add to section 4 the words, "Provided that the Legislature shall have the power at any time hereafter to alter, amend or repeal this act," and recommend its passage. All of which is respectfully submitted,

W. A. Little,
Jno. R. Porter.

Report adopted.

Your committee to which was referred

H. F. No. 117, "An act to redefine the boundaries of Washington county."

Have had the same under consideration and would beg leave to report the same back without amendment and recommend its passage.

Jno. R. Porter,
Geo. E. Scott,
T. T. Collier.

The chairman of the select committee to which was referred

C. B. No. 88, "A bill for an act appropriating one thousand dollars to erect a bridge across the Little Nemaha river."

Having had the same under consideration reports, that while I am opposed to the policy of making appropriations from the territorial treasury to aid local enterprises; yet as the present legislature has inaugurated such a policy, I deem it but just that all portions of the territory should be treated alike; and that I am further of the opinion that the claim for the appropriation asked for in the bill under consideration, is equally meritorious with others already acted upon by this body; *under these circumstances* therefore I recommend the passage of the bill.

R. W. Furnas.

Laid over under the rules.

Mr. President:

A majority of your select committee to whom was referred C. B. No. 88, "A bill making an appropriation of one thousand dollars to erect a bridge across the Little Nemaha river,"

Have had the same under consideration, and beg leave most respectfully to report the same back, and recommend its indefinite postponement for the following reasons:

First. We are creditably informed that there are already four bridges across this stream, within a distance of not more than twelve miles from the point designated in the bill.

Second. That while we are from principle opposed to all of the appropriations, in the present impoverished condition of our territorial treasury, yet if we were convinced that this particular case was equally meritorious with the one passed on a few days since, to wit: Black bird bridge, we would give it our support. T. J. BOYKIN,
JNO. R. PORTER.

Laid over under the rule.

The following communication was received from the Territorial Treasurer, which was

On motion of Mr. Doane,

Referred to the Committee on Finance, Ways and Means, with instructions to report a bill upon the subject to morrow.

TREASURER'S OFFICE,
Omaha, N. T., Jan. 10th, 1860.

To the Hon. Council and
House of Representatives of Nebraska Territory:

I deem it my duty as Territorial Treasurer of Nebraska, to call your attention to the practical working of the new revenue law. This law allows the county treasurer to receive territorial warrants for taxes from any tax payer, and issue any number of certificates that may be required to absorb said warrants, and the person depositing a warrant with the treasurer can deal them out to other tax payers, and pocket the money himself; and the consequence is, in some cases, warrants, the ink of which is scarcely dry, will be paid into the territorial treasury endorsed by the county treasury, "received of —— for taxes."

We will call your attention to one county to show the effect of the law by allowing the county treasurer *so wide a margin.* The treasurer of Douglas county paid into the territorial treasury for the taxes for 1859, $2,069.37 in warrants (some of which had been issued but a few days previous) all endorsed "received for taxes," and not *one dime in money.*

We would suggest to the Legislature the propriety of amending the revenue law in some shape, to remedy this evil, for I consider this as doing injustice to those holding warrants of an early date.

Four thousand dollars of territorial indebtedness, is drawing fifteen per cent interest per annum, and the interest on this sum has not been paid as it became due, and, in consequence the Territory is paying interest upon interest. We hope the Legislature will take some action on this matter.

It is no part of our business to dictate, but would take the liberty of suggesting the propriety of amending the law, so as to require the county treasurers to collect and pay into the the territorial treasury a certain proportion in money, say for instance, one half.

Respectfully,
W. W. Wyman, Territorial Treasurer.

Mr. Doane moved to reconsider the vote by which

H. F. No. 53, "An act to extend the jurisdiction of the district and probate courts,"

Was indefinitely postponed.

Carried.

On motion of Mr. Collier,

The bill was referred to a select committee of three,

Composed of Messrs. Reeves, Dundy and Cheever.

H. F. No. 136, "A bill for an act to incorporate the Omaha building and loan association."

Read third time.

Passed, and title agreed to.

C. B. No. 101, "A bill for an act to incorporate the city of Ionia."

Read third time.

Passed and title agreed to.

Mr. Cheever moved to reconsider the vote by which the Council refused to pass

H. F. No. 164, "A bill for an act to locate a territorial road in Dodge county."

Carried.

On motion,

The bill was passed and title agreed to.

On motion,

H. F. No. 179, "A bill for an act to authorize Stephen D. Shinn, T. R. and R. McMurray to establish a ferry across the Platte river," was

Read third time.

Passed and title agreed to.

On leave,

Mr. Doane introduced

C. B. No. 110, "A bill for an act to authorize James Van Dusen and R. S. Parks to keep a ferry across the North Platte river below Fort Laramie."

Read first time.

On motion,

Rules suspended,

Bill read second and third time.

Passed and title agreed to.

C. B. No. 67, "A bill for an act to prevent trespass upon timber land."

Read third time.

Passed and title agreed to.

C. B. No. 108, "An act in relation to jurors' fees."

Read third time.

Passed and title agreed to.

C. B. No. 107, "Joint resolution for the relief of Frank Lehmer, page of the Council."

Read third time.

Passed and title agreed to.

The Committee on Military Affairs to which was referred

C. B. No. 98, "A bill for an act to locate a territorial road from St. Johns to the Ponca reservation."

Report the same back and recommend its passage with the following amendments: insert as sections 3 and 4 as follows:

§ 3. "Said commissioners shall have power to employ a surveyor and such assistants as may be necessary for assisting in the laying out of said road, and shall within twenty days after the close of the survey, cause a plat of said road to be made and recorded at the office of the Secretary of the Territory."

§ 4. "Said commissioners shall receive compensation for their services in laying out said road at the rate of three dollars per day, for the time so engaged, and the surveyor shall be allowed three dollars per day, and the assistants shall be allowed two dollars per day only, which several amounts shall be allowed by the county commissioners, and paid on their orders from the county treasuries of the counties through which said road shall pass—in proportion to the length of road located in each county."

Thos. T. Collier,
T. J. Boykin,
Geo. E. Scott.

The select committee to whom was referred

H. F. No. 53, "An act to extend the jurisdiction of the district and probate courts."

Have had the same under consideration and recommend the following amendments:

In section 1, strike out the words "and not attached to any organized county for judicial purposes."

Strike out section 5 entire.

And recommend its passage as amended.

Mills S. Reeves,
J. H. Cheever.

Report adopted.

On motion,

The bill was read third time.

Passed and title agreed to.

On motion of Mr. Little,

The Council adjourned.

S. M. Curran, Chief Clerk.

COUNCIL CHAMBER,
Wednesday, January 11th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Message from the House:

HOUSE OF REPRESENTATIVES,
Wednesday, January 11th, 1860.

Mr. President:

I am instructed to deliver to your honorable body the following bills which have passed the House.

H. F. No. 112, "An act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts."

H. F. No. 45, "An act to amend the code of civil procedure, and to provide for the stay of execution in district courts."

H. F. No. 61, "An act to incorporate the city of Peru."

H. F. No. 198, "A bill for an act to amend an act entitled 'An act to incorporate the town of Pawnee city.'"

H. F. No. 162, "A bill to locate a territorial road from Omaha city to Lemuel Ireland's in Sarpy county, N. T."

H. F. No. 90, "A bill for an act to restrain sheep and swine from running at large in the counties of Cass, Otoe and Nemaha."

H. F. No. 129, "A bill for an act to change the time for electing a delegate to Congress from Nebraska."

H. F. No. 123, "An act to provide for the distribution of the laws and journals of Nebraska, and for other purposes."

H. F. No. 192, "A bill for an act to provide for the payment of county assessors."

H. F. No. 46, "An act to authorize the election of supervisors of roads in and for the county of Sarpy, N. T."

H. F. No. 186, "A bill for an act to restrain stock from running at large in Sarpy county."

H. F. No. 174, "A bill for an act entitled 'An act to amend the charter of Decatur.'"

H. F. No. 191, "Joint resolution and memorial relative to the navigation of the Platte river."

H. F. No. 161, "A bill for an act to provide for the election and define the duties of coroner."

H. F. No. 188, "A bill for an act to re-organize the county of Dodge."

H. F. No. 182, "A bill to dissolve the bonds of matrimony between James Clark and Welthy Jane Clark."

In all of which the concurrence of your honorable body is solicited.

I am also instructed to return to your honorable body

C. B. No. 59, "A bill for an act to incorporate the Omaha savings institute."

C. B. No. 105, "A bill for an act to legalize the collection of taxes in Cedar county, for the year 1859."

C. B. No. 89, "Joint resolution asking for a mail route."

C. B. No. 90, "Joint resolution for the relief of the engrossing and enrolling clerks."

C. B. 106, "A bill for an act authorizing Henry Z. Chapman and Frank Coffman to keep a ferry."

C. B. No. 76, "A bill for an act to amend an act entitled 'An act to incorporate the Brownville lyceum, library and literary association.'"

C. B. No. 41, "A bill for an act to encourage agricultural pursuits in the Territory of Nebraska."

The same having passed the House without amendment.

I am further instructed to inform your honorable body, that

C. B. No. 17, "A bill for an act to encourage the growth of timber in Nebraska."

And

C. B. No. 93, "Joint resolution relative to correcting errors in the laws, joint resolutions and memorials of the sixth session of the legislative assembly of Nebraska."

Have been indefinitely postponed by the House.

J. W. Moore, Chief Clerk.

Your Committee on Agriculture to which was referred

H. F. No. 63, "A bill for an act to regulate line fences, &c."

Have had the same under consideration and beg leave to report the same back without amendment and recommend its passage.

Thos. J. Boykin,
John R. Porter,
Mills S. Reeves.

Report adopted.

The Committee on Expenditures to which was referred

H. F. No. 132, "A bill for an act to authorize James D. Carmichael to keep a ferry across the Missouri river at Otoe city, Otoe county."

Having had the same under consideration beg leave to report the same back to the Council with the following amendment thereto;

After section 5 add the following:

§ 6. "The legislature hereby reserve the right at any time hereafter to alter, amend or repeal this act," and recommend its passage.

W. A. Little,
Jno. R. Porter.

Report adopted.

The Committee on Counties to which was referred

H. F. No. 117, entitled "An act to redefine the western boundaries of Washington county."

Report the same back without amendment and recommend its passage.

Jno. R. Porter,
Geo. E. Scott.

Report laid over under the rules.

The Committee on Finance, Ways and Means to which was referred

H. F. No. 18, "A supplement to an act entitled 'An act to provide for the valuation and assessment of the real and personal property, and to levy and collect taxes in the Territory of Nebraska.'"

Have had the same under consideration and respectfully recommend that the same be indefinitely postponed.

Mills S. Reeves, Chairman.

Report adopted.

The Committee on Engrossed and Enrolled Bills ask leave to report that

C. B. No. 42, "A bill for an act to establish the county of Dawson and define its boundaries."

And,

C. B. No. 69, "A bill for an act to provide for copying the journals."

Are correctly enrolled. Mills S. Reeves, Chairman.

Your committee to which was referred

H. F. No. "An act for the relief of Lacey & McCormick and George Clayes."

Would respectfully submit the following report:

They find that the bills were contracted by the Commander-in-Chief of the militia upon the good faith of the Territory. Upon information received from reliable sources, it appears that families were being driven from their homes, their cattle and crops destroyed, and that a general destruction of the Elkhorn settlements was seriously threatened.

This state of facts induced the governor to call upon the militia, and also upon the merchants to furnish such provisions and ammunition as was necessary, and without which the volunteers could not take the field.

The gentlemen to whom this bill proposes relief, were alone willing to respond.

The goods furnished were of a kind always regarded as *cash articles*, and are charged at fair rates.

They were indispensably necessary, and without them the settlements must have been left, to what seemed at the time inevitable destruction.

A refusal to recognize and pay a claim like this, would in case of a renewal of Indian hostilities leave our remote settlements at the mercy of the savages.

The bill provides that the claim shall be transferred to the territory, so that in case of payment by the general government the outlay proposed will be returned to the territorial treasury. In view of these facts your committee report the bill back, and recommend its passage.

Thos. T. Collier,
T. J. Boykin,
Geo. E. Scott.

Laid over one day.

The Committee on Judiciary to which was referred

C. B. No. 91, "A bill for an act to define the powers and duties of county clerks."

Having had the same under consideration beg leave to report the bill back to the Council with the following amendments thereto, in the first section, 14th line, after the word "commissioners" strike out the words "to define the limits of school township districts not otherwise provided for." And after the word "acknowledgments" in the 2nd section, 4th line, strike out the remainder of the section, and recommend the passage of the bill as amended.

The same committee have also had under consideration

C. B. No. 85, "A bill for an act to define the powers of district judges in certain matters."

And report the same back with the following amendment, and recommend its passage. Add to the last section the words "Provided, that such notice shall be published in some newspaper printed in the county where suit is brought, if there be one, but if there be no newspaper printed in such county, then such notice shall be published in some newspaper, printed in the district where suit is brought, to be designated by the judge thereof." W. A. LITTLE.

Report adopted.

C. B. No. 91, "A bill to define the powers and duties of county clerks."

Read third time.

Passed and title agreed to.

Mr. Scott asked leave to introduce

"A bill to dissolve the bonds of matrimony between Amy R. Melton and George W. Melton,"

Of which no previous notice had been given.

Mr. Doane objected to its introduction.

Mr. Scott gave notice of a bill for an act to dissolve the bonds of matrimony between Amy P. Melton and George W. Melton.

H. F. No. 112, "An act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts."

Read first and second times.

Mr. Dundy moved it be made the special order for to-morrow morning at ten o'clock.

Lost.

On motion,

Referred to the Committee on Judiciary.

H. F. No. 45, "An act to amend the code of civil procedure and to provide for the stay of execution in district courts."

Read first time.

Mr. Little moved to indefinitely postpone the bill.

Ayes and nays demanded.

Ayes—Messrs. Cheever and Dundy.—2.

Nays—Messrs. Boykin, Collier, Doane, Furnas, Little, Porter, and Reeves.—7.

Lost.

H. F. No. 193, "A bill for an act to amend an act entitled 'An act to incorporate the town of Pawnee city.'"

Read first and second time,

On motion,

Referred to the Committee on Corporations.

H. F. No. 161, "A bill to provide for the election and define the duties of coroner."

Read first time.

On motion,

Rules suspended,

Read second and third time.

Passed and title agreed to.

Mr. Reeves introduced

C. B. No. 111, "A bill for an act in relation to the territorial revenue."

Read first time.

On motion,

Rules suspended.

Bill read second and third time.

Passed and title agreed to,

H. F. No. 174, "A bill for an act entitled 'An act to amend the charter of Decatur.'"

Read first and second time.

On motion,

Referred to a select committee of three.

Messrs. Doane, Little and Porter were appointed said committee.

H. F. No. 191, "Memorial and joint resolution."

Read first and second time.

On motion,

Referred to the Committee on Agriculture.

H. F. No. 46, "An act to authorize the election of supervisors of roads in and for the county of Sarpy."

Read first time.

On motion

Rules suspended,

Read second and third time.

Passed and title agreed to.

H. F. No. 192, "A bill for an act to provide for the payment of county assessors."

Read first and second times.

On motion

Referred to select committee of three composed of

Messrs. Little, Porter and Cheever.

Mr. Scott introduced

C. B. No. 113, "An act to dissolve the bonds of matrimony between Amy P. Melton and George W. Melton."

Read first time.

H. F. No. 153, "A bill for an act to provide for the distribution of the laws and journals of Nebraska and for other purposes."

Read first and second time.

On motion,

Referred to the Committee on Library.

H. F. No. 129, "A bill for an act to change the time of electing a delegate to Congress from Nebraska."

Read first time,

On motion,

Rules suspended.

Read second and third time.

Passed and title agreed.

H. F. No. 61, "An act to incorporate the city of Peru."

Read first time.

On motion,

Rules suspended.

Read second and third time.

Passed and title agreed to.

On leave,

The minority of the select committee to which was referred

H. F. No. 192, "A bill for an act to provide for the payment of county assessors,"

Having had the same under consideration, beg leave to report the same back without amendment and recommend its passage.

W. A. LITTLE.

Report laid over one day.

Mr. Little moved that the majority of the select committee be instructed to report to-morrow.

Carried.

H. F. No. 162, "A bill for an act to locate and establish a territorial road from Omaha city to Lemuel Ireland's in Sarpy county."

Read first time.

On motion,

Rules suspended.

Bill read second and third time.

Passed and title agreed to.

H. F. No. 90, "A bill for an act entitled 'An act to restrain sheep and swine from running at large in the counties of Cass, Otoe and Nemaha.'"

Read first and second time.

On motion,

Referred to the Committee on Agriculture with instructions to report to-day.

H. F. No. 182, "A bill for an act to dissolve the bonds of matrimony between James Clark and Welthy Jane Clark."

Read first time.

H. F. No. 152, "A bill for an act to authorize James C. Crawford and his associates to establish a ferry at West Point."

Read second time,

On motion,

Rules suspended,

Read third time,

Passed and title agreed to.

H. F. No. 111, "A bill for an act to incorporate the Dixon town and ferry company."

Read second time.

On motion,

Referred to the Committee on Corporations.

H. F. No. 172, "A bill for an act to authorize John McCarthy and John M. Hays to keep a ferry across the Missouri river, at St. Johns city, N. T."

Read second time.

On motion,

Referred to a select committee of three.

Messrs. Scott, Little and Boykin said committee.

H. F. No. 141, "A bill for an act to dissolve the bonds of matrimony between Anna E. O'Neal and J. D. H. O'Neal."

Read second time.

The select committee to which was referred

"A bill to reapportion the members of the Council and House of Representatives of Nebraska."

Having had the same under consideration report the bill back with the accompanying substitute, and recommend its passage without amendment.

THOS. T. COLLIER,
J. H. CHEEVER,
R. W. FURNAS.

Report adopted.

H. F. No. 33, "An act to incorporate a seminary to be located in the city of Florence, Douglas county, N. T."

Read third time.

Passed and title agreed to.

H. F. No. 93, "A bill for an act to amend an act entitled 'An act for the better regulation of schools in Nebraska, approved Nov. 4, 1858.'"

Read third time.

Passed and title agreed to.

H. F. No. 53, "An act to extend the jurisdiction of district and probate courts."

Question being upon its passage.

Call of the Council demanded.

Messrs. Doane and Little absent.

On motion,

All further proceedings under the call dispensed with.

On motion,

The bill was passed and title agreed to.

C. B. No. 110, "Joint resolution and memorial asking that all that portion of Nebraska Territory lying south of Platte river be annexed to Kansas."

Mr. Doane moved the indefinite postponement of the memorial.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Doane, Little and Scott.—5.

Nays—Messrs. Cheever, Dundy, Furnas, Porter, Reeves and Mr. President.—6.

Lost.

Mr. Doane moved to lay the memorial upon the table.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Doane, Little, Scott and Mr. President.—6.

Nays—Messrs. Cheever, Dundy, Furnas, Porter and Reeves.—5.

Carried.

Message from the House:

House of Representatives,
Wednesday, Jan. 11th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House has passed the following bills:

H. F. No. 183, "A bill for an act to incorporate Falls city."

H. F. No. 187, "An act to incorporate the Bellevue land association."

H. F. No. 189, "An act to authorize Alexander Stephenson and others to keep a ferry across the North fork of the Platte river,"

And respectfully request the concurrence of your honorable body therein. J. W. Moore, Chief Clerk.

Message from the Executive:

Executive Chamber,
Omaha, January 11th, 1860.

Mr. President:

I am instructed by the Governor to inform your honorable body that he has signed and approved

"An act to protect game in the Territory of Nebraska."

"An act to provide for copying the journals of the Council and House of Representatives of the sixth session of the Nebraska Legislature."

"An act to establish the county of Dawson and define the boundaries." John McConihe, Private Secretary.

C. B. No. 100, "An act to repeal certain sections of the civil code."

Was

On motion,

Referred to the Committee on the Judiciary,

With instructions to report to-day.

Your select committee to which was referred

H. F. No. 122, "An act to authorize John Tracy, John McCarthy and John M. Hays to keep a ferry across the Missouri river at St. Johns city."

Having had the same under consideration, beg leave to report the bill back to the Council with the following amendment:

After section three insert the following: "Sec. 4. The legislature reserves the right at any time hereafter to alter, amend or repeal this act," and recommend the passage of the bill as amended.

All of which is respectfully submitted,

W. A. LITTLE,
T. J. BOYKIN.

Report adopted.

H. F. No. 172, "An act to authorize John J. Tracy, John McCarthy and John M. Hays, to keep a ferry across the Missouri river at St. Johns city."

Read third time.

Passed and title agreed to.

The Committee on Education to which was referred

H. F. No. 33, "A bill for an act to amend an act entitled 'An act for the better regulation of schools in Nebraska.'"

Having had the same under consideration report it back with the following amendment and recommend its passage:

Strike out all of section 8.

The same committee having under consideration

H. F. No. 93, "A bill to incorporate a seminary at Florence."

Report the bill back without amendment and recommend its passage.

R. W. FURNAS.

The Committee on Agriculture to which was referred

H. F. No. 90, "A bill for an act to restrain sheep and swine from running at large in Cass, Otoe and Nemaha counties,"

Have had the bill under consideration, and report the same back without amendment, and recommend its passage.

T. J. BOYKIN.

Laid over under the rules.

Call of the Council demanded.

Mr. Scott absent.

On motion,

All further proceedings under the call dispensed with.

The hour having arrived at which the Council had agreed to take up the Governor's veto message on

"A bill to prohibit slavery or involuntary servitude in Nebraska,"

The Council proceeded to reconsider.

The question was shall the bill pass, the Governor's veto to the contrary notwithstanding."

Mr. Porter moved to lay the whole subject matter upon the table.

Carried.

The report of the committee to which was referred

"A bill to reapportion the members of the Council and House of Representatives of the Territory of Nebraska,"

Was taken from the table.

On motion,

The report was adopted.

C. B. No. 115, "A bill for an act to reapportion the members of the Council and House of Representatives of the Territory of Nebraska,"

Read third time.

Passed, and title agreed to.

Call of the Council demanded.

Mr. Cheever absent.

On motion,

All further proceedings under the call dispensed with.

Message from the House:

House of Representatives,
Wednesday, January 11th, 1860.

Mr. President:

I am instructed to solicit your concurrence in the following bills, which have passed the House:

H. F. No. 199, "Joint resolution providing for the pay of the fireman of the House of Representatives."

H. F. No. 198, "Joint resolution for the payment of the pages of the House of Representatives."

I am also instructed to return to your honorable body

C. B. No. 110, "A bill for an act authorizing James Van Dusen and R. S. Parks, to keep a ferry across the North fork of Platte river below Fort Laramie."

Also,

C. B. No. 87, "A bill for an act to dissolve the bonds of matrimony between Margaret J. and George Dupuy."

Also,

C. B. No. 84, "A bill for an act to authorize W. W. Wyman to purchase a safe for the use of the Territorial Treasurer, and to provide the manner of paying for the same."

Also,

C. B. No. 109, "Joint resolution for the relief of Lewis Driscoll, fireman of the Council."

Also,

C. B. No. 107, "Joint resolution for the relief of Frank Lehmer, page of the Council."

Also,

C. B. No. 92, "Joint resolution relative to printing the laws and journals."

The same having passed the House without amendment.

J. W. Moore, Chief Clerk.

C. B. No. 88, "A bill for an act making an appropriation to erect a bridge across the Little Nemaha river."

Together with the reports thereto, was taken from the table.
Mr. Dundy moved to lay the majority report upon the table.
Call of the Council demanded.

All present.

On motion,
All further proceedings under the call dispensed with.
Ayes and nays demanded upon the motion to lay upon the table.

Ayes—Messrs. Dundy, Furnas, Reeves, Scott.—4.
Nays—Messrs. Boykin, Collier, Cheever, Doane, Little and Porter.—6.

Lost.
Mr. Porter moved to lay the whole subject matter on the table.
Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Cheever, Doane, Porter and Reeves.—6.
Nays—Messrs. Dundy, Furnas, Little and Scott—4.

Carried.

The Committee on Judiciary to which was referred

H. F. No. 131, "A bill for an act to authorize Jesse D. Thompson to keep a ferry at Liberty,"

Has had the same under consideration, and reports the bill back with the following amendment:

Add, as sections 8 and 9, the following:

§ 8. This act may be altered, amended or repealed by any subsequent Legislature.

§ 9. This act shall take effect and be in force from and after its passage.

The same committee has also under consideration

C. B. No. 73, "A bill for an act to provide a clerk of the probate court."

And begs leave to report the same back with a substitute therefor.

And also,

C. B No. 74, "A bill for an act to provide the fees of clerk of probate."

And recommends its passage. GEO. W. DOANE, Chairman.

Report adopted.

H. F. No. 131, "A bill for an act to authorize Jesse D. Thompson to keep a ferry at Liberty."

Read third time.

Passed and title agreed to.

H. F. No. 117, "An act to redefine the western boundaries of Washington county."

Read third time.

Passed and title agreed to.

Mr. Scott moved to reconsider the vote by which the Governor's message was laid upon the table.

Ayes and nays demanded:

Ayes—Messrs. Collier, Doane, Little, Scott, and Mr. President.—5.
Nays—Messrs. Boykin, Cheever, Dundy, Furnas, Porter, Reeves.—6.

Lost.

Mr. Little moved to take a recess until ½ past 2 o'clock.

Lost.

Mr. Scott moved to take up

H. F. No. 9, "A bill to relocate the county seat of Johnson county."

Carried.

Mr. Reeves moved to indefinitely postpone the bill.

Lost.

On motion of Mr. Furnas,

The bill was referred to a select committee of three.

Messrs. Furnas, Doane and Porter were appointed said committee.

Mr. Furnas introduced

C. B. No. 116, "A bill for an act to authorize certain property to be re-conveyed to the corporate authorities of the town of Salem, in Richardson county."

Read first and second times.

On motion,

Referred to the Committee on Counties.

H. F. No. 189, "An act to authorize Alexander Stephenson and others to keep a ferry across the North fork of the Platte river."

Read first time.

H. F. No. 199, "Joint resolution for the relief of the fireman of the House of Representatives."

Read first time.

On motion,

Rules suspended,

Bill read second and third time.

Passed and title agreed to.

H. F. No. 183, "A bill for an act to incorporate Falls city."

Read first and second time,

On motion,

Referred to Committee on Corporations.

H. F. No. 187, "An act to incorporate the Bellevue land claim association."

Read first time.

On motion,

Rules suspended,

Read second and third time.

Passed and title agreed to.

The committee to which was referred

"A bill for an act to authorize certain property to be re-conveyed to the corporate authorities of the town of Salem in Richardson county," Have had the same under consideration, and recommend its passage without amendment.

JOHN R. PORTER,
GEO. E. SCOTT.

Report adopted.

H. F. No. 198, "Joint resolution for the relief of the pages of the House of Representatives."

Read first time.

On motion,

Rules suspended.

Read second and third time.

Passed and title agreed to.

On motion,

The Council adjourned.

S. M. CURRAN, Chief Clerk.

COUNCIL CHAMBER,
Thursday, Jan. 12th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Message from the House:

HOUSE OF REPRESENTATIVES,
Thursday, Jan. 12th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House has passed the following bills and to solicit your concurrence therein:

H. F. No. "Joint resolution praying for an appropriation to defray the expenses of the Pawnee war."

H. F. No. 35, "A bill for an act regulating the fees and salaries of certain officers."

H. F. No. 195, "Memorial praying for an appropriation for a geological survey."

H. F. No. 180, "A bill for an act to amend 'An act to incorporate Nemaha city, in the county of Nemaha,' approved January 22d, 1856."

H. F. No. 140, substitute "A bill for an act to revise, collate and re-enact certain acts, and parts of acts in force in the Territory of Nebraska."

H. F. No. 170, "An act to legalize the acts of the county commissioners of Pawnee county."

H. F. No. 177, "To authorize Silas Tidwell to keep and run a ferry across the Missouri river at the mouth of the Little Nemaha river."

I am also instructed to inform your honorable body, that

C. B. No. 183, "An act to locate a territorial road in Nemaha and Pawnee counties."

Has been indefinitely postponed in the House.

J. W. MOORE, Chief Clerk.

Mr. Dundy presented a petition from the citizens of Richardson county, which was

Laid on the table.

Mr. President:

Your Committee on Corporations to whom was referred

H. F. No. 193, entitled "A bill for an act to amend 'An act to incorporate the town of Pawnee city.'"

Also,

H. F. No. 183, entitled "A bill for an act to incorporate Falls city."

Also,

H. F. No. 111, entitled "A bill for an act to incorporate the Dixon town and ferry company."

Have had the same under consideration and report the same back to the Council and recommend their passage without amendment.

GEO. E. SCOTT, Chairman.

Report adopted.

The Engrossing and Enrolling Committee respectfully ask leave to report that

C. B. No. 90, "Joint resolution for the payment of the Enrolling and Engrossing Clerks."

C. B. No. 107, "Joint resolution for the relief of Frank Lehmer, page of the Council."

And,

C. B. No. 89, "Joint resolution and memorial relative to establishing a mail route from Brownsville in Nebraska Territory to Marysville in Kansas Territory."

Are correctly enrolled. Respectfully submitted,

MILLS S. REEVES, Chairman.

The Committee on Engrossed and Enrolled Bills, ask leave to report that

C. B. No. 106, "An act to authorize Henry Z. Chapman and J. Frank Coffman to keep a ferry."

Is correctly enrolled. M. S. REEVES, Chairman.

The Committee on Engrossed and Enrolled Bills ask leave to report that

C. B. No. 105, "An act to legalize the collection of taxes in Cedar county for the year 1859."

Is correctly enrolled. Respectfully submitted,

MILLS S. REEVES, Chairman.

Mr. President:

Your Committee on Agriculture to whom was referred

H. F. No. 191, "Joint memorial and resolution asking Congress to make an appropriation to assist in the navigation of Platte river,"

Have had the same under consideration, and will say that nothing in our opinion, would do more to develop the untold wealth and resources of the Great Platte valley, and thereby settle up that beautiful and very fertile section of our territory, than by the early navigation of said stream, running as it does through the very heart, and the richest part of our territory.

Your committee would therefore most respectfully report the same back without amendment, and recommend its passage.

All of which is most respectfully submitted.

BOYKIN,
PORTER,
REEVES.
Com. on Agriculture.

Laid over.

Your Committee on Territorial Library to which was referred

H. F. No. 153, entitled "An act to provide for the distribution of the laws and journals of Nebraska, and for other purposes."

Have had the same under consideration and beg leave to report the same back to the Council without amendment, and recommend its passage.

THOS. T. COLLIER,
WM. A. LITTLE.

Report adopted.

The select committee to whom was referred

H. F. No. 9, "A bill for an act to re-locate the county seat of Johnson county,"

Have had the same under consideration, and report it back, accompanied by the testimony of interested parties on both sides of the question, reduced to writing.

ROBT. W. FURNAS,
JOHN R. PORTER,
GEO. W. DOANE.

Laid over.

The majority of your select committee to whom was referred

H. F. No. 192, entitled, "A bill for an act to provide for the payment of county assessors,"

Have had the same under consideration, and beg leave to report an amendment in section 1, the 8th line, after the word "Territory," insert "except the assessor of Douglas county, who shall be entitled to ten dollars per day for his services," and respectfully recommend its passage.

J. H. CHEEVER,
JNO. R. PORTER.

Mr. Porter moved the adoption of the majority report.

Carried.

Mr. Porter moved to reconsider the vote by which the report was adopted.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Doane, Furnas, Little, Porter, Reeves, Scott.—8.

Nays—Mr. Cheever.

Carried.

Mr. Little moved to lay the whole matter on the table.

Carried.

Your Committee on Judiciary to which was referred

H. B. No. 112, "An act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts."

Has had the same under consideration, and beg leave to report the same back without amendment and recommend its passage.

GEO. W. DOANE, Chairman.

Report adopted.

The Committee on Highways, &c.,

Have had the same under consideration and ask leave to report the same back without recommendation.

E. S. DUNDY,
GEO. E. SCOTT,
T. J. BOYKIN.

Report adopted.

HOUSE OF REPRESENTATIVES,
Thursday, Jan. 12th, 1860.

Mr President:

I am instructed to inform your honorable body that the House have passed the following bills, and to respectfully request your concurrence therein.

H. F. No. 99, "To authorize Michael Jones and Dan. H. Collamer to keep a ferry at St. Helena in Cedar county."

H. F. No. 97, "To authorize Fellows D. Pease and Anthony Rapalee to establish and keep a ferry across the Missouri river in Nebraska Territory."

H. F. No. 200, "A bill for an act to amend 'An act to incorporate the city of Dakota.'"

H. F. No. 130, "For an appropriation to build a bridge across the Little Nemaha river."

H. F. No. 155, "An act for the relief of road district No. 7, in Sarpy county."

H. F. No. 103, "To establish a ferry across the South Platte river at St. Vrains in St. Vrains county."

JAMES W. MOORE, Chief Clerk.

Mr. Dundy introduced

C. B. No. 116, "A bill for a territorial road in Cass county."

Read first time.

On motion,

Read second and third time,

Passed and title agreed to.

Mr. Collier introduced

C. B. No. 117, "An act to incorporate the university of Nebraska."

Read first and second time,

On motion,

Read third time.

Passed and title agreed to.

HOUSE OF REPRESENTATIVES,
Thursday, January 12th, 1860.

Mr. President:

I am instructed to solicit the concurrence of your honorable body in H. F. No. 51, "An act to provide for the vacation of the part of the plat of the town of Fremont."

Which has passed the House. J. W. MOORE, Chief Clerk.

H. F. No. 51, "An act to provide for the vacation of a part of the town of Fremont,"

Read first time.

Mr. Little moved to indefinitely postpone the bill.

Carried.

Mr. Porter introduced

C. B. No. 118, "Joint resolution for the relief of Wilber F. Stone."

Read the first and second time.

And on motion,

Read third time,

Passed and title agreed to.

The Committee on Highways and Bridges to which was referred

H. B. No. 133, entitled "A bill to erect a mill-dam across Wood river in Hall county."

Have had the same under consideration and report the same back and recommend its passage.

E. S. DUNDY,
GEO. E. SCOTT,
T. J. BOYKIN.

Report adopted.

Mr. Reeves moved to reconsider the vote by which

"A bill to incorporate the University of Buchan,"

Was passed

On motion of Mr. Reeves,

The bill was indefinitely postponed.

H. F. No. 188, "An act to re-organize Dodge county."

Read first and second times.

Mr. Little moved to amend by striking out all after the enacting clause in the 1st section, and also strike out the 2d and 8th sections.

Mr. Dundy moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Mr. Cheever.—1.

Nays—Messrs. Boykin, Collier, Doane, Dundy, Furnas, Little, Porter, Reeves, Scott.—9.

Lost.

Amendment adopted.

H. F. No. 103, "A bill to establish a ferry across the South Platte river at St. Vrains," Read first and second time.

And referred to the Committee on Counties with instructions to report an amendment reserving the right of appeal to the Legislature.

H. F. No. 170, "An act to legalize the acts of the county commissioners of Pawnee county."

Read first and second time.

On motion,

Read third time.

Passed and title agreed to.

H. F. No. 200, "A bill for an act to amend an act entitled 'An act to incorporate the city of Dakota.'"

Read first and second times.

On motion,

Read third time.

Passed and title agreed to.

H. F. No. 97, "An act to authorize Fellows D. Pease and Anthony Rapalee to establish a ferry across the Missouri river in Nebraska territory."

Read first and second time.

And referred to the Committee on Highways, Bridges and Ferries.

H. F. No. 140, "A bill for an act to revise, collate and re-enact certain acts and parts of acts in force in the Territory of Nebraska."

Read first time.

Message from the Executive:

EXECUTIVE CHAMBER,
January 12th, 1860.

To the Council:

Mr. President:

I am instructed by the Governor to inform your honorable body that he has signed and approved

"A joint resolution for the payment of the enrolling and engrossing clerks."

"A joint resolution and memorial relative to establishing a mail route from Brownville, in Nebraska Territory, to Maryville in Kansas Territory."

"A joint resolution for the relief of Frank Lehmer, page of the Council."

JOHN MCCONIHE, Private Secretary.

H. F. No. 99, "An act to authorize Michael Jones and Danl. H. Coleman to keep and establish a ferry at St. Helena in Cedar county."

Read first and second time,

Referred to Committee on Corporations with instructions to insert a clause reserving the right of repeal by the Legislature.

H. F. No. 195, "Memorial praying for an appropriation for a geological survey."

Read the first, second and third time.

Passed and title agreed to.

H. F. No. 155, "An act for the relief of road district No. 7, in Sarpy county."

Read first, second and third time.

Passed and title agreed to.

H. F. No. 177, "A bill for an act to authorize Silas Tidwell to keep and run a ferry across the Missouri river at the mouth of the Little Nemaha river."

Read first, second and third time.

Passed and title agreed to.

H. F. No. 180, "A bill for an act to amend an act to incorporate Nemaha city in the county of Nemaha."

Read first and second time.

Referred to a select committee of two,

Composed of Messrs. Furnas and Boykin.

The Committee on Counties to whom was referred

H. F. No. 103, "A bill for an act to establish a ferry across the south Platte river at St. Vrains in St. Vrains county, Nebraska Territory."

Having had the same under consideration, beg leave to report the bill back to the Council with the following amendment, add at the end of section two the words "Provided that the Legislature shall have the power at any time hereafter to alter, amend or repeal this act."

And recommend the passage of the bill as amended.

All of which is respectfully submitted,

John R. Porter,
Geo. E. Scott.

Report adopted.

H. F. No. 130, "An act for an appropriation to build a bridge across the Little Nemaha river."

Read first time.

H. F. No. 186, "A bill for an act to restrain stock from running at large in Sarpy county."

Read first, second and third time.

Passed and title agreed to.

H. F. No. 35, "A bill for an act regulating fees and salaries of certain officers."

Read first time.

House of Representatives,
Thursday, Jan. 12th, 1860.

Mr. President:

I am instructed to return to your honorable body

C. B. No. 36, "A bill for an act to disolve the bonds of matrimony between R. E. Case and Mary Case."

The same having passed the House without amendment.

J. W. Moore, Chief Clerk.

The Chairman of the Committee on Judiciary to which was referred

C. B. No. 100, "For an act to repeal certain sections of the criminal code."

Has had the same under consideration, and beg leave to report: that in the opinion of the undersigned those sections of the code proposed to be repealed by the bill are among the most suitable provisions contained in the code.

They are sections which provide for the verification of pleadings. Under the old practice, and to which we would return by the passage of this bill, the pleadings were fictitious, setting forth in pleas in many instances numerous and contradictory defences, and such pleas could not of course be verified. By our present code fictitions in pleadings are abolished, and the party is obliged to set forth the facts in his pleading by a plain and concise statement in ordinary language. There can be no good reason why he should not be required to say by affidavit that he believes the statements thus made by him to be substantially true.

No honest man will object to saying that his claim he believes to be just, and it is in behalf of the honest man, and to protect him against the dishonest that laws are made.

Should any man be allowed to make a written statement in a court of justice which he is unwilling to say he even believes to be true, and yet ask a court or jury to find it true?

The provisions requiring verification tends to abridge pleadings, for by the practice to which would be restored by the repeal of those provisions several contradictory statements of the same cause of action could be included in the same pleading, and thus the pleading would be made much more voluminous than if the party was confined to a single simple statement of his cause of action to which he would make affidavit.

This provision also dispenses with proof and costs. Suppose a plaintiff sues on a simple note of hand. Defendant answers denying execution of the note by attorney, no affidavit being required, a host of witnesses may be brought in to prove execution, which would not be required if the defendant was obliged to verify his answer. Courts should not be occupied in trying issues made up in false pleadings, and which the parties filing them know to be false, or do not know to be true.

For all of which reasons to wit:

1st. To prevent prosecution of unjust claims.
2d. To shorten pleadings.
3d. To dispense with witnesses.
4th. To lessen the time of trials, and
5th. To save costs.

The undersigned recommends the indefinite postponement of the bill.

All of which is respectfully submitted,

GEO. W. DOANE, Chairman.

Laid over under rule.

One of the Committee on Judicary to whom was referred

C. B. No. 100, "A bill for an act to repeal certain sections of the civil code of this Territory."

Having had the same under consideration beg leave to report the bill back to the Council, and recommend the passage of the same without amendment.

All of which is respectfully submitted,

W. A. LITTLE.

The select committee to which was referred

H. F. No. 180, "A bill for an act to amend 'An act incorporating Nemaha city.'"

Report the same back and recommend its passage.

R. W. FURNAS.

Report adopted.

Bill read third time.

Passed and title agreed to.

Your Committee on Corporations to which was referred

H. F. No. 99, "An act to authorize Michael Jones and Daniel H. Collamer to keep and establish a ferry at St. Helena in Cedar county."

Have had the same under consideration, and beg leave to report to the Council that the limits embraced in said bill extend a distance, four miles above, and three and one-half or four miles below the point at which said ferry is established. And return the bill to the Council with the following amendment: At the end of section 3, add the following words "Provided that the Legislature shall reserve the right to repeal, alter, or amend at any time hereafter."

GEO. E. SCOTT, Chairman.

Report adopted.

H. F No. 99, the bill reported upon, was

Read third time,

On motion,

Passed and title agreed to.

H. F. No. 112, "An act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 189, "An act to authorize Alexander Stevenson and others to keep a ferry across the North fork of Platte river."

Read second and third time,

On motion,

Passed and title agreed to.

C. B. No. 113, "An act to dissolve the bonds of matrimony between Amy P. Melton and George W. Melton."

Read second time.

Mr. Doane moved the indefinite postponement of the bill.

Mr. Scott moved to lay that motion on the table.

Pending which

Call of the Council demanded.

Mr. Cheever absent.

On motion,

Sergeant-at-Arms despatched after absentee.

On motion,

All further proceedings under the call dispensed with.

Mr. Dundy moved that Mr. Little be excused for the balance of the day.

Ayes and nays demanded.

Ayes—Messrs. Collier, Dundy, Furnas, Porter, Scott, and Mr. President.—6.

Nays—Messrs. Cheever, Doane and Reeves.—3.

Carried.

The question recurring upon the pending motion to lay upon the table.

The ayes and nays were demanded.

Ayes—Messrs. Collier, Dundy, Furnas, Porter, Scott and Mr. President.—6.

Nays—Messrs. Boykin, Cheever, Doane, Reeves.—4.

Carried.

Message from the House:

HOUSE OF REPRESENTATIVES,
Thursday, January 12th, 1860.

Mr. President:

I am instructed to return to the custody of your honorable body.

C. B. No. 86, "An act to change and redefine the boundaries of Cedar, Dixon and L'eau-qui-Court counties."

C. B. No. 51, "An act to locate a territorial road in Cass county."

C. B. No. 65, "A bill for an act to legalize the acts of the corporate authorities of the city of St. Helena."

The same having passed the House without amendment.

J. W. MOORE, Chief Clerk.

H. F. No. 182, "A bill to dissolve the bonds of matrimony between James Clark and Welthy Jane Clark."

Read second time.

Mr. Doane moved it be referred to a select committee of three.

Lost.

H. F. No. 45, "An act to amend the code of civil procedure and to provide for stay of execution in the district courts."

Read second time.

H. F. No. 174, "An act entitled 'An act to amend the charter of the city of Decatur."

Read third time.

On motion,

Passed and title agreed to.

C. B. No. 85, "A bill for an act to define the powers of district judges in certain matters."

Read third time.

The ayes and nays demanded upon its passage.

Ayes—Messrs. Doane and Little.—2.

Nays—Messrs. Collier, Cheever, Dundy, Furnas, Porter, Reeves and Mr. President.—7.

Lost.

C. B. No, "A bill for an act to provide for a clerk of the probate court."

Read third time.

On motion,

Passed and title agreed to.

H. F. No. 133, "An act to authorize J. J. Eldridge to erect a mill-dam across Wood river in Hall county, Nebraska."

Read third time,

On motion,

Passed and title agreed to.

H. F. No. 111, "A bill for an act to incorporate the Dixon town and ferry company."

Read third time.

On motion,

Passed and title agreed to.

C. B. No. 54, "A bill for an act to incorporate the Fort Calhoun and Iowa ferry company."

Read third time.

On motion,

Passed and title agreed to.

The select committee to which was referred

C. B. No. "A bill for an act for the relief of R. Wood & Co."

With instructions to report a joint memorial to Congress for an appropriation for the relief of the parties therein named, beg leave to report the bill back with a memorial according to instructions.

Geo. W. Doane,
Geo. E. Scott,
W. A. Little.

Report adopted.

H. F. No. 183, "A bill for an act to incorporate Falls city."

Read third time,

On motion,

Passed and title agreed to.

The Committee on Engrossed and Enrolled Bills ask leave to report that

C. B. No. 36, "An act to dissolve the bonds of matrimony between R. E. Case and Mary Case."

Is correctly enrolled.

Mills S. Reeves, Chairman.

H. F. No. 63, "A bill for an act to regulate line fences and to define what constitutes a legal fence."

Mr. Boykin moved to lay the bill on the table.

Carried.

H. F. No. 153, "A bill for an act to provide for the distribution of the laws and journals of Nebraska and for other purposes."

Read third time,

On motion,

Passed and title agreed to.

The select committee to which was referred

H. F. No. 174, "A bill for an act entitled 'An act to amend the charter of Decatur,'"

Has had the bill under consideration, and begs leave to report the same back without amendment, and recommend its passage.

Geo. B. Doane, Chairman.

Report adopted.

On motion,

The bill was read third time.

Passed and title agreed to.

C. B. No. 116, "A bill for an act to authorize certain property to be re-conveyed to the corporate authorities of the town of Salem in Richardson county."

Mr. Dundy moved to amend by striking out the last clause of the last section.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Cheever, Dundy, Furnas, Reeves and Scott—7.

Nays—Messrs. Doane, Little and Porter.—3.

Carried.

Mr. Dundy moved that the 3d section be so amended as to read "such title as the county now has in the lots."

Ayes and nays demanded.

Ayes—Messrs. Cheever, Dundy and Furnas.—3.

Nays—Messrs. Boykin, Collier, Doane, Little, Porter, Reeves and Scott—7.

Lost.

On motion,

Bill read third time,

Ayes and nays demanded upon its passage.

Ayes—None.

Nays—Messrs. Cheever, Dundy, Furnas, Little, Porter, Reeves and Scott.—7.

Bill did not pass.

H. F. No. 90, "A bill for an act entitled 'An act to restrain sheep and swine in the counties of Cass, Otoe and Nemaha."

Read third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Cheever, Doane, Furnas, Porter, Reeves and Scott.—6.

Nays—Mr. Little.—1.

Bill passed.

Mr. Furnas moved to amend the title by adding thereto "Pawnee and Richardson counties."

Carried.

On motion,

Title agreed to as amended.

H. F. No. 193, "A bill for an act to amend an act entitled 'An act to incorporate the town of Pawnee city.'"

Mr. Little moved to indefinitely postpone the bill.

Mr. Scott moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Collier, Dundy, Furnas, Porter and Scott.—5.
Nays—Messrs. Boykin, Cheever, Doane, Little and Reeves.—5.

Lost.

Mr. Cheever moved to postpone further consideration of the bill until the 4th day of July next.

Mr. Scott moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Collier, Dundy, Furnas, Porter, Scott and Mr. President.—6.
Nays—Messrs. Boykin, Cheever, Doane, Little and Reeves.—5.

Carried.

Bill was read third time.

On motion,

Passed and title agreed to.

Mr. Doane moved that the bill in relation to the divorce of George W. Melton and Amy P. Melton, be referred to a select committee of three.

Mr. Furnas moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Collier, Dundy, Furnas, Porter, Scott, Mr. President.—6.
Nays.—Messrs. Boykin, Cheever, Doane, Little and Reeves.—5.

Carried.

H. F. No. 123, "A bill for an act for the relief of Lacey & McCormick and George Clayes."

Mr. Doane moved to consider said bill in secret session.

Mr. Furnas moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Furnas and Scott.—4.
Nays—Messrs. Doane, Dundy, Porter, Reeves.—4.

Lost.

Message from the Executive:

EXECUTIVE CHAMBER,
Omaha, Jan. 13th, 1860.

To the Council:

Mr. President:

I am instructed by the Governor to inform your honorable body that he has signed and approved

"An act to dissolve the bonds of matrimony between Margaret J. Dupuy and Geo. Dupuy.

"An act to dissolve the bonds of matrimony between R. E. Case and Mary Case.

JOHN McCONIHE,
Private Secretary.

Message from the House:

HOUSE OF REPRESENTATIVES,
Thursday, January 12th, 1860.

Mr. President:

I am instructed to return to your honorable body

C. B. No. 77, "Joint resolution for the determination of the claims of the code commissioners of 1855 and their clerks."

The same having passed the House with the amendments thereto attached.

J. W. MOORE, Chief Clerk.

The Committee on Engrossed and Enrolled Bills, ask leave to report, that

C. B. No. 87, "An act to dissolve the bonds of matrimony between Margarett J. Dupuy and Geo. Dupuy."

C. B. No. 41, "An act to encourage agricultural pursuits in Nebraska."

C. B. No. 110, "An act to authorize James Van Dusen and R. S. Parks to keep a ferry across South Platte river below Fort Laramie, N. T."

C. B. No. 109, "Joint resolutions in favor of Lewis Driskill."

C. B. No. ~~92~~, "Joint resolution relative to printing laws and journals."

C. B. No. 84, "An act to authorize W. W. Wyman to purchase a safe for the use of the Territorial Treasurer, and to provide for the manner of paying for the same,

Are correctly enrolled.

Respectfully submitted,
MILLS S. REEVES, Chairman.

The question recurring upon the motion of Mr. Doane to go into secret session.

President decided rule 18 not applicable to the case now before the Council as there could be no possible good reason for secrecy in connection with the bill now before the Council.

Mr. Doane took an appeal from the decision.

Question now was, shall the decision of the President remain as the sense of the Council.

Ayes and nays demanded.

Ayes—Messrs. Boykin and Collier.—2.

Nays—Messrs. Cheever, Doane, Dundy, Furnas, Porter, Reeves and Scott.—7.

The appeal was sustained.

Whereupon the President ordered the Sergeant-at-Arms to clear the lobby and close the doors.

Call of the Council demanded.

Mr. Little absent.

On motion,

All further proceedings under the call dispensed with.

Question recurring upon the motion to go into secret session on H. F. No. 123, "A bill for the relief of Lacy & McCormick and George Clayes."

The question was put, and

Carried.

Secret Session.

The report on military affairs was read.

Mr. Doane moved that the bill be referred to the select committee to which was referred R. Wood & Co.'s claim.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Doane, Little, Reeves, Mr. President.—5.

Nays—Messrs. Boykin, Collier, Dundy, Furnas, Porter and Scott.—6.

Lost.

Mr. Doane moved to amend by striking out of the 1st section all that portion of the section after the words George Clayes," where they occur the second time in the section.

Mr. Porter moved to lay the amendment on the table.

Carried.

Mr. Doane moved to amend sec. 2 by striking out of the 2d line the word "warrants," and substitute "bonds bearing ten per cent interest, payable the 1st day of January, A. D. 1863."

Mr. Porter moved to lay the amendment on the table.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Dundy, Furnas, Porter, Scott.—6.

Nays—Messrs. Cheever, Doane, Little, Reeves.—4.

Carried.

Mr. Doane moved to amend section 3 by striking out of the 2d line the word "warrants," and insert "bonds."

Mr. Porter moved to lay the amendment on the table.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Furnas, Porter, Scott, Mr. President.—6.

Nays—Messrs. Cheever, Doane, Dundy, Little and Reeves.—5.

Carried.

Mr. Boykin moved that the bill be read third time, and upon that motion called the previous question.

The question now was, shall the main question be now put.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Furnas, Porter and Scott.—5.
Nays—Messrs. Cheever, Doane, Dundy, Little and Reeves.—5.

Previous question not sustained.

Mr. Little moved to amend the bill by striking out all after the enacting clause.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Doane, Little and Reeves.—4.
Nays—Messrs. Boykin, Collier, Dundy, Furnas, Porter, Scott.—6.

Lost.

Mr. Dundy moved to lay the bill on the table.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Doane, Dundy, Little, Reeves, Mr. President.—6.
Nays—Messrs. Boykin, Collier, Furnas, Porter, Scott.—5.

Carried.

On motion,

The Council proceeded to business in open session.

On motion of Mr. Little,

The Council adjourned.

S. M. Curran, Chief Clerk.

Council Chamber,
Friday, January 13th, 1860.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. Dundy introduced

C. B. No. 118, "An act to locate a territorial road from Fort Calhoun in Washington county, to Fontenelle in same county."

Read first time.

On motion,

Rules suspended,

Bill read second and third time.

On motion,

Passed and title agreed to.

Mr. Doane made the following report:

Also,

Submitted the account of the Hon. John H. Kellum, late School Commissioner of the Territory.

The Committee on Finance to which was referred

A resolution of the Council instructed said committee to inquire of the Auditor of the Territory and report to the Council what amount of territorial warrants had been issued to the late Superintendent of Public Instruction and for what purpose, begs leave to report that it has performed the duty required and reports herewith a statement prepared by the Auditor covering the items contemplated by the resolution.

All of which is respectfully submitted,

M. S. Reeves,
Geo. W. Doane.

(Copy.) April 12th, 1859.

Territory of Nebraska,

In account with John H. Kellum, Dr.

To services as Librarian and Superintendent from Sept. 5th, 1858 to Nov. 5, 1858,	$50
To office rent and fuel same time,	12
To services as Commissioner of Schools under new law from Nov. 5, 1858 to May 5, 1859,	500
To services as Librarian same time,	50
	$612

Received payment in full by warrant No. 116 to 121 inclusive,

John H. Kellum.

August 5th, 1859.

Territory of Nebraska,

In account with John H. Kellum, Dr.

To one quarter salary as Commissioner of Schools from May 5, 1859, to Aug. 5, 1859,	$250
To rent of office same time,	26
	$276

Received payment in full by warrants No. 174 to 179 inclusive,

John H. Kellum.

Nov. 10th, 1859.

Territory of Nebraska,

To John H. Kellum, Dr.

To services as Librarian from Aug. 5, 1859 to Nov. 5, 1859,	$25
do School Commissioner same time,	264
To rent one year,	100
To fuel and lights same time,	50
To postage $7, stationery $4,	11
	$450

Received payment in full by territorial warrants No. 334 to 337,

John H. Kellum.

Whereas, It appears by a report submitted by the Auditor of this Territory, under a resolution of the Council, that John Kellum, late Superintendent of Public Instruction has charged for and received in territorial warrants the sum of one thousand and fourteen ($1014) dollars, for services as School Commissioner from Nov. 5th, 1858, to Nov. 5th, 1859. And the further sum of one hundred and seventy-six ($176) for rent of office, fuel and lights for the same time. And whereas, said amount was charged, and the warrants were issued for the same without any authority of law, the said Kellum not being the incumbent of the office at the time for which he drew said salary either by express provision or by implication of law.

Therefore, Resolved by the Council and House of Representatives of the Territory of Nebraska, That the Territorial Auditor be and he is hereby instructed to take immediate steps to recover the warrants issued for the services, rent, fuel and lights above specified to the amount of eleven hundred and ninety dollars (1190), or for a like amount in cash, and that if necessary to bring suit for the same in the name of the Territory of Nebraska.

Laid over under objections.

Mr. Dundy introduced

C. B. No. 119, "Joint resolution to allow R. S. Parks, delegate to the Nebraska Legislature from the Gold Regions, the sum of $300 for his attendance.

Read first time.

On motion

Rules suspended,

Read second and third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Cheever, Dundy, Little, Porter, Scott, Mr. President.—6.

Nays—Messrs. Boykin, Collier, Doane, Furnas and Reeves.—5.

Carried.

On motion,

Title agreed to.

Mr. Reeves introduced

120, "A bill for an act to provide for the settlement of county superintendents of common schools."

Read first time.

On motion,

Rules suspended.

Read second and third time.

Passed and title agreed to.

Mr. Reeves introduced,

C. B. No. 121, "A bill for an act to incorporate Western Star lodge, No. 2, Free and Accepted Masons."

Read first time.

On motion,

Rules suspended,
Read second and third times.
Passed and title agreed to,

The Committee on Engrossed and Enrolled Bills ask leave to report that,

C. B. No. 76, "An act to amend an act entitled 'An act to incorporate the Brownville lyceum and literary association,'"

And

C. B. No. 65, "An act to legalize the acts of the corporate authorities of the city of St. Helena,"

And,

C. B. No. 86, "An act to change and re-define the boundaries of Dixon, Cedar and L'eau-qui-Court counties,"

And,

C. B. No. 51, "An act to locate a territorial road in Cass county,"

Are correctly enrolled. MILLS S. REEVES, Chairman.

Message from the House.

HOUSE OF REPRESENTATIVES,
Friday, Jan. 13th, 1860.

Mr. President:

I am instructed to inform you that the House has passed the following bills:

H. F. No. 73, "A bill for an act concerning costs in certain cases."

H. F. No. 184, "A bill for an act to make an enumeration of the unmarried white youths in Nebraska Territory between the ages of five and twenty-one years."

H. F. No. 180, "An act to confirm the election of J. W. Moore as coroner of Otoe county."

H. F. No. 194, "A bill for an act to authorize George E. McKinsey and B. F. Leonard to erect and keep a mill-dam across the Great Pappillon creek in Douglas county, N. T."

H. F. No. 109, "A bill for an act to authorize Alexander Hallam to erect and keep a mill-dam across Rock creek."

H. F. No. 104, "A bill to establish a ferry a toll bridge across St. Vrains Fork river, near St. Vrains in St. Vrains county, Nebraska."

H. F. No. 137, "A bill for an act concerning the writ of *ad quod dam num.*"

H. F. No. 119, "A bill for an act to incorporate the town of Marietta."

H. F. No. 138, "A bill for act to amend an act entitled 'An act establishing the mode of locating and changing county seats' approved January 26th, 1856."

H. F. No. 159, "An act to authorize J. Osterling to erect and keep a mill-dam in L'eau-qui-Court county."

H. F. No. —, "Memorial and joint resolution for the relief of Tootle and Jackson."

H. F. No. —, Memorial and joint resolution praying for an appropriation to defray the expenses of the Pawnee war," In all of which the concurrence of your honorable body is respectfully solicited.

I am also instructed to return to your honorable body,

C. B. No. 25, "An act to incorporate the Platte City Bridge company."

C. B. No. 29, "An act to incorporate the South Pass Bridge company."

C. B. No. 67, "A bill for an act to prevent trespass on timber lands."

C. B. No. 94, "An act defining the duties of Territorial Librarian and for other purposes."

C. B. No. 97, "A bill for an act to organize West county."

The same having passed the House with amendment.

I am also instructed to solicit the concurrence of your honorable body in the amendments of the House attached to

C. B. No. 21, "An act to exempt homesteads from forced sale on execution." JAMES W. MOORE, Chief Clerk.

H. F. No. 73, "A bill for an act entitled 'An act concerning costs in certain cases.'"

Read first time.

Mr. Reeves moved that the Engrossing and Enrolling Clerks be empowered to employ two assistant clerks.

Carried.

Mr. Reeves moved that the chief clerk be empowered to employ an assistant clerk.

Carried.

H. F. No. 184, "A bill for an act to make an enumeration of the unmarried white youths in Nebraska Territory between the ages of five and twenty-five years."

Read first time.

On motion,

Rules suspended.

Bill read second and third time.

Passed and title agreed to.

H. F. No. "Memorial and joint resolution for an appropriation for Tootte and Jackson."

Read first time.

On motion,

Rules suspended.

Read second and third time.

Passed and title agreed.

Mr. Dundy moved that a committee of two be appointed to wait upon the House and inform that body that the Council will be ready to adjourn *sine-die* at 12 o'clock P. M.

Carried.

Messrs. Dundy and Reeves were appointed said committee.

H. F. No. 138, "A bill for an act to amend an act entitled 'An act establishing the mode of changing county seats,' approved Jan. 26th, 1856."

Read first time.

Mr. Little moved to indefinitely postpone the bill.

Carried.

The committee appointed to wait upon the House in relation to adjournment, reported they had discharged their duty and were released.

Mr. Little moved to reconsider the vote by which H. F. No. 138, was indefinitely postponed.

Mr. Scott moved to lay that motion on the table.

Carried,

H. F. No. 119, "A bill for an act to incorporate the town of Marietta."

Read first and second times.

On motion,

Referred to a select committee of one, composed of Mr. Reeves.

H. F. No. 159, "A bill for an act to authorize J. Osterling to erect and keep a mill dam in L'eau-qui-Court county."

Read first time.

On motion,

Rules suspended.

Read second and third time,

Passed and title agreed to.

H. F. No. 104, "A bill to establish a ferry or toll bridge across the St. Vrains fork river near St. Vrains in St. Vrains county."

Read first time,

On motion:

Rules suspended.

Bill read second and third time.

Passed and title agreed to.

H. F. No. 109, "A bill for an act to authorize Alexander Hallam to erect and keep a mill-dam across Rock creek."

Read first time,

On motion,

Rules suspended.

Read second and third time.

Passed and title agreed to.

H. F. No. 190, "An act to confirm the election of J. W. Moore as Coroner of the county of Otoe."

Read first time.

On motion,

Rules suspended.

Bill read second and third time,

Passed and title agreed to.

The select committee to which was referred

H. F. No. 119, "A bill for an act to incorporate the town of Marietta,"

Have had the same under consideration, and recommend an amendment to the bill by striking out the 12th section, and recommend its passage as amended. MILLS S. REEVES.

Report adopted.

On motion,

The bill was read the third time by its title

Passed and title agreed to.

H. F. No. 137, "A bill for an act concerning the writ of *ad qoud dam num.*"

Read first and second time.

On motion,

Referred to the Committee on the Judiciary, with instructions to report immediately.

Message from the Executive:

EXECUTIVE CHAMBER,
January 13th, 1860.

Mr. President:

I am instructed by the Governor to inform your honorable body that he has signed and approved

"A joint resolution in favor of Lewis Driscoll."

"An act to encourage agricultural pursuits in the territory of Nebraska."

"An act to authorize W. W. Wyman to purchase a safe for the use of the Territorial Treasurer, and to provide for the manner of paying for the same."

Also,

"Joint resolution relative to printing the laws and journals."

JOHN McCONIHE,
Private Secretary.

H. F. No. 194, "A bill for an act to authorize George McKinsey and B. F. Leonard, to erect and keep a mill-dam across the Great Pappillon creek in Douglas county."

Read first time.

On motion,

Rules suspended.

Bill read second and third time,

Passed and title agreed to.

Mr. Boykin introduced

C. B. No. 122, "A bill for an act to incorporate the Beaver creek road and bridge company."

Read first time.

On motion,

Rules suspended.

Bill read second and third time.

Passed and title agreed to.

Mr. Little introduced

C. B. No. 123, "Memorial and joint resolution for the relief of R. Wood & Co."

Read first time.

On motion,

Rules suspended.

Bill read second and third time.

Passed and title agreed to.

H. F. No. 130, "An act for an appropriation to build a bridge across the Little Nemaha river."

Read second time,

H. F. No. 140, "A bill for an act to revise, collect and re-enact certain acts in force in the Territory of Nebraska."

Read second time.

H. F. No. 35, "A bill to fix the fees and salaries of certain officers."

Read second time.

On motion,

Rules suspended.

And read third time.

Mr. Boykin moved to commit the bill to the Committee on Judiciary.

Mr. Dundy moved to lay that motion on the table.

Call of the Council demanded.

All present.

On motion,

All further proceedings under the call dispensed with.

Ayes and nays demanded upon the motion to lay on the table.

Ayes—Messrs. Cheever, Doane, Dundy, Little, Porter and Reeves.—6.

Nays—Messrs. Boykin, Collier, Furnas, Scott.—4.

Carried.

Mr. Collier moved to indefinitely postpone the bill.

Mr. Little moved to lay that motion on the table.

Call of the Council demanded.

Mr. Porter absent.

On motion,

Sergeant-at-Arms despatched after absentee.

On motion,

All further proceedings under the call dispensed with.

Ayes and nays demanded upon the pending motion to lay upon the table.

Ayes—Messrs. Cheever, Doane, Dundy, Little, Porter and Reeves.—6.

Nays—Messrs. Boykin, Collier, Furnas and Scott.—4.

Carried.

Mr. Furnas moved to refer the bill to a select committee of three.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Doane, Furnas, Scott and Mr. President.—6.

Nays—Messrs. Cheever, Dundy, Little, Porter and Reeves.—5.

Carried.

Messrs. Furnas, Reeves and Boykin were appointed said committee.

H. F. No. 141, "A bill for an act to dissolve the bonds of matrimony between Anna E. O'Neal and James D. H. O'Neal."

Read third time.

Mr. Little moved to lay the bill on the table.
Lost.
Call of the Council demanded.

Messrs. Boykin and Porter absent.

On motion,
Sergeant-at-Arms despatched after absentees.
On motion,
All further proceedings under the call dispensed wth.
Mr. Doane moved the indefinite postponement of the bill.
Mr. Scott moved to lay that motion on the table.
Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Dundy, Furnas, Porter, Scott.—6.
Nays—Messrs. Cheever, Doane, Little, Reeves.—4.

Carried.
Ayes and nays demanded upon the passage of the bill.

Ayes—Messrs. Collier, Dundy, Furnas, Porter, Scott and Mr. President.—6.
Nays—Messrs. Boykin, Cheever, Doane, Little and Reeves.—5.

Bill passed.
On motion,
Title agreed to.
Message from the Executive:

EXECUTIVE CHAMBER,
January 13th, 1860.

Mr. President:

I am instructed by the Governor to inform you that he has signed and approved

"An act to amend an act entitled 'An act to incorporate the Brownville lyceum, library and literary association.' "

"An act to legalize the acts of the corporate authorities of the city St. Helena."

"An act to change and redefine the boundaries of Dixon, Cedar and L'eau-qui-Court counties."

JOHN McCONIHE,
Private Secretary.

H. F. No. 163, "A bill for an act to incorporate the Presbyterian church of Omaha city."
Read third time,
Ayes and nays demanded upon its passage.

Ayes—Messrs. Boykin, Collier, Doane, Furnas, Reeves and Scott.—6.
Nays—Messrs. Dundy, Little, and Porter.—3.

Bill passed,

On motion,

Title agreed to.

H. F. No. 45, "A bill for an act authorizing the keeping of a ferry by certain parties therein named, across the Missouri river at Rock Bluffs city in Cass county."

On motion of Mr. Doane,

The bill was referred to the Committee on the Judiciary, with instructions to report immediately.

Mr. Porter introduced

C. B. No. 124, "A bill for an act for the extension of the time of paying the taxes."

Read first time.

Mr. Dundy introduced

C. B. No. 125, "A bill for an act to incorporate the town of Ottumwa."

Read first time.

Mr. Little moved the indefinite postponement of the bill.

Carried.

C. B. No. 113, "A bill for an act to dissolve the bonds of matrimony between Amy P. Melton and George W. Melton."

Mr. Doane moved the indefinite postponement of the bill.

Mr. Scott moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Dundy, Furnas, Little, Porter and Scott.—7.

Nays—Messrs. Cheever, Doane, Reeves.—3.

Carried.

Mr. Doane moved the following amendment to to the bill:

"Provided that nothing in this act contained, shall affect any of the rights of Amy P. Melton, to dower or any other interest in the property of George W. Melton."

Mr. Dundy moved to lay the amendment on the table.

Ayes and nays demanded.

Ayes—Messrs. Collier, Dundy, Furnas, Porter, Scott and Mr. President.—6.

Nays—Messrs. Boykin, Cheever, Doane, Little and Reeves.—5.

Carried.

Mr. Scott moved that the bill be read the third time.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Dundy, Furnas, Porter and Scott.—6.

Nays—Messrs. Cheever, Doane, Little, and Reeves.—4.

Carried.

Bill read third time,

Mr. Doane moved to take recess until 3 o'clock A. M.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Cheever, Doane and Reeves.—4.
Nays—Messrs. Collier, Dundy, Furnas, Little, Porter and Scott.—6.

Lost.

Question being upon the passage of the bill now pending.

Mr. Doane moved to strike out all after the enacting clause.

Ayes and nays demanded.

Ayes—Messrs. Cheever, Doane and Reeves.—3.
Nays—Messrs. Collier, Dundy, Furnas, Little, Porter and Scott—6.

Lost.

Question recurring upon the passage of the bill.

The ayes and nays were demanded.

Ayes—Messrs. Collier, Dundy, Furnas, Porter, Scott and Mr. President.—6.
Nays—Messrs. Boykin, Cheever, Doane, Little and Reeves.—5.

Bill passed.

On motion,

Title agreed to.

Message from the House:

House of Representatives,
Friday, January 13th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House has passed the following bills:

H. F. No. 196, "A bill for an act to provide for a territorial board of agriculture, consisting of one assessor from each organized county of Nebraska Territory."

H. F. No. 175, "A bill to locate and establish a territorial road, commencing at the junction of the Pappillon creeks, thence to Omaha city, N. T."

H. F. No. 128, "Memorial and joint resolution for a land grant."

H. F. No. 166, "A bill for an act to dissolve the bonds of matrimony between Alexander McCartney and Bridget McCartney."

H. F. No. 117, "An act to locate a territorial road in Cass county."

H. F. No. 96, "A bill for an act to organize certain counties, define the boundaries, and locate the county seats of the same."

In all of which the concurrence of the Council is respectfully solicited.

I am also instructed to return to your honorable body

C. B. No. 116, "A bill for an act to provide for the settlement of the accounts of the county superintendents of common schools, and to investigate their official acts."

H. F. No. 64, "A bill for an act to authorize Loren T. Hill to keep a ferry across the Missouri river at Ionia in Dixon county, N. T."

C. B. No. 112, "An act to establish a ferry across the Platte river at Kearney city, Nebraska Territory."

C. B. No. 55, "An act to amend an act to entitled 'An act to incorporate the city of Fort Calhoun.'"

C. B. No. —, "A bill for an act to incorporate Western Star Lodge No. 2, Free and Accepted Masons."

C. B. No. 63, "A bill to locate and establish a territorial road from Ionia to Fontenelle."

C. B. No. —, "An act to locate a territorial road from Fort Calhoun in Washington county to Fontenelle in the same county."

C. B. No. 83, "A bill for an act to confirm the title of W. A. Collins, John Sweezy, Randall A. Brown and Henry H. Vischer to certain real estate in the city of Omaha."

C. B. No. 96, "A bill for an act to define the boundaries of Nuckolls county."

The same having passed the House without amendment.

I am also instructed to inform your honorable body that

C. B. N. 111, "A bill for an act in relation to the territorial revenue."

And,

C. B. No. 73, substitute, "A bill for an act to provide a clerk of probate court."

Have been indefinitely postponed.

And that

C. B. No. —, "Joint resolution for the relief of Wilber F. Stone."

Has been rejected by the House.

I am further instructed to inform you that the amendments of your honorable body to

H. F. No. 33, "A bill for an act entitled 'An act for the better regulation of schools in Nebraska.'"

And

H. F. No. 53, "A bill for an act to extend the jurisdiction of district and probate courts."

And,

H. F. No. 131, "A bill for an act to authorize Jesse D. Thompson to keep a ferry across the Missouri river at Liberty."

And,

H. F. No. 132, "A bill to authorize James C. Carmichael to keep a ferry across the Missouri river at Otoe city in Otoe county."

And,

H. F. No. 188, "A bill for an act to reorganize the county of Dodge."

And,

H. F. No. 189, "A bill to authorize Alexander Stephenson to keep a ferry across the North Platte."

H. F. No. 99, "A bill to authorize Michael Jones and others to keep a ferry across the Missouri river at St. Helena in Cedar county."

And,

H. F. No. 90, "A bill for an act to restrain stock from running at large in the counties of Cass, Otoe and Nemaha."

And,

H. F. No. 103, "A bill for an act authorizing certain parties to keep a ferry across the south fork of the Platte river."

Have been concurred in by the House.

I am also instructed to return to your honorable body

H. F. No. 172, "A bill for an act to authorize John J. Tracy, John McCarthy and John M. Hays to keep a ferry across the Missouri river at St. Johns city."

Together with the amendments proposed thereto by the Council, the House having refused to concur therein. J. W. MOORE, Chief Clerk.

H. F. No. 182, "A bill for an act to dissolve the bonds of matrimony between James Clark and Welthy Jane Clark."

Mr. Collier moved that the bill be read the third time and put upon its passage.

Mr. Doane objected.

The President ruled the objection out of order.

Mr. Doane took an appeal from the decision.

The question now was shall the decision of the chair be the sense of the House.

Upon which

The ayes and nays were demanded.

Ayes—Messrs. Boykin, Collier, Cheever, Dundy, Furnas, Porter, Reeves and Scott.—8.

Nays—Messrs. Doane and Little.—2.

Decision sustained.

Mr. Cheever moved to take a recess until 3 o'clock P. M.

Lost.

Question recurring upon the motion to read the bill the third time.

Carried.

Bill read third time,

Mr. Little moved to indefinitely postpone the bill.

Mr. Collier moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Collier, Dundy, Furnas, Porter, Scott, Mr. President.—6.

Nays.—Messrs. Boykin, Cheever, Doane, Little and Reeves.—5.

Carried.

Mr. Doane moved to take a recess until 3 o'clock.

Lost.

Question being upon the passage of the bill.

Ayes and nays were demanded

Ayes—Messrs. Boykin, Collier, Dundy, Furnas, Porter and Scott.—6.

Nays—Messrs. Cheever, Doane, Little and Reeves.—4.

Bill passed.

On motion,

Title agreed to.

Mr. Dundy submitted the following resolution:

Resolved, That no member shall speak more than 15 minutes on the same subject, unless unanimous consent be given by the Council.

Mr. Little moved to lay the resolution upon the table.

Lost.

On motion,

The resolution was adopted.

H. F. No. 97, "A bill for an act to authorize Fellows D. Pease and Anthony Rapalee to establish and keep a ferry across the Missouri river in Nebraska Territory."

Read third time.

On motion of Mr. Little,

The bill was indefinitely postponed.

Mr. Furnas moved that

H. F. No. 123, "A bill for an act for the relief of Lacey and McCormick and George Clayes."

Be taken from the table.

Call of the Council demanded.

Mr. Porter absent.

On motion,

Sergeant-at-Arms dispatched after absentee.

On motion,

All further proceedings under the call dispensed with.

The Committee on Engrossed and Enrolled Bills ask leave to report that

C. B. No. 94, "An act defining the duties of Territorial Librarian and for other purposes."

And,

C. B. No. 67, "An act to prevent trespass on timber lands."

And,

C. B. No. 97, "An act to organize West county, to define the boundaries, and to locate the county seat thereof."

And,

C. B. No. 25, "An act to incorporate the Platte city bridge company."

Are correctly enrolled. Mills S. Reeves.

The committee also report that

C. B. No. 59, "An act to incorporato the Omaha savings institution."

Is correctly enrolled. Mills S. Reeves, Chairman.

The Committee on Judiciary to which was referred

H. F. No. 137, "A bill for an act concerning the writ of *ad quod dam num.*"

Has read the bill under consideration, and report the same back without amendment and recommend its passage. Geo. W. Doane.

Report adopted.

Mr. Reeves moved to take a recess until 3 o'clock.

Lost.

The question recurring upon the motion to take up the "Bill for the relief of Lacy and McCormick and George Clayes," Mr. Doane objected upon the grounds that a bill could not be taken up out of its regular order, except by unanimous consent.

Mr. President decided that a majority of the Council could call up a bill at any time.

Mr. Doane appealed from the decision.

The question now was shall the decision of the chair stand as the sense of the Council.

Upon which the

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Dundy, Furnas, Porter and Scott.—6.

Nays—Mr. Doane.—1.

President sustained.

The question recurring upon the motion to take up

H. F. No. 123, "A bill for an act for the relief of Lacy & McCormick and George Clayes."

Pending which,

Call of the Council demanded.

Mr. Reeves absent.

On motion,

All further proceedings under the call dispensed with.

Ayes and nays demanded upon the pending motion.

Ayes—Messrs. Boykin, Collier, Dundy, Furnas, Porter and Scott.—6.

Nays—Messrs. Cheever, Doane, Little and Reeves.—4.

Carried.

Mr. Scott moved the bill be read the third time.

Pending which,

Mr. Doane moved to take a recess until 3 o'clock.

Lost.

Mr. Doane moved to amend the bill by striking out of section 1 all that portion after the words "George Clayes," where they occur the second time in the section.

Mr. Scott moved to lay that motion on the table.

Ayes and nays demanded

Ayes—Messrs. Boykin, Collier, Dundy, Furnas, Porter and Scott.—6.

Nays—Messrs. Boykin, Cheever, Doane, Little and Reeves.—4.

Carried.

Mr. Doane moved to amend by striking out of section 2 the word "warrants" and insert "bonds bearing ten per cent interest payable on the 1st day of January A. D. 1863."

Mr. Scott moved to lay that motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Boykin, Collier, Dundy, Furnas, Porter and Scott.—6.

Nays—Messrs. Cheever, Doane, Little and Reeves—4.

Carried.

Question recurring upon the motion to read the bill the third time.

Carried.

Bill read third time,

Ayes and nays demanded upon the passage of the bill.

Ayes—Messrs. Boykin, Collier, Dundy, Furnas, Porter and Scott.—6.
Nays—Messrs. Cheever, Doane, Little, Reeves and Mr. President.—5.

Bill passed.

On motion,

Title agreed to.

Mr. Furnas moved to reconsider the vote by which the bill passed and moved to lay that motion upon the table.

Carried.

Message from the House:

House of Representatives,
Friday, Jan. 13th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House has passed the following bills

H. F. No. 126, "An act authorizing Wm. George Hollins and associates to keep and run a ferry on the Loup Fork of the Platte river, at the mouth of Looking-Glass creek."

H. F. No. 207, "Joint resolution authorizing the Secretary to correct errors."

And request the concurrence of the Council therein.

I am also instructed to return to your custody

C. B. No. 120, "Memorial and joint resolution to the Congress of the United States for an appropriation to pay King and Wood for damages sustained in the late Pawnee war."

C. B. No. 122, "A bill for an act to incorporate the Beaver creek road and bridge company."

The same having passed the House without amendment.

J. W. Moore, Chief Clerk.

The Committee on Engrossed and Enrolled Bills ask leave to report, that

C. B. No. 29, "An act to incorporate the South Pass bridge company."

And,

C. B. No. 96, "An act to define the boundaries of Nuckolls county."

And,

C. B. No. —, "An act to incorporate Western Star Lodge No. 2, Free and Accepted Masons."

And,

C. B. No. 63, "An act to locate and establish a territorial road from Ionia to Fontenelle."

And,

C. B. No. 117, "An act to locate a territorial road in Cass county."

And,

C. B. No. 116, "An act to provide for the settlement of county superintendents of common schools."

And,

C. B. No. —, "An act to locate a territorial road from Fort Calhoun in Washington county to Fontenelle in the same county."

And,

C. B. No. 130, "Memorial to Congress for an appropriation to pay King and Wood."

And,

C. B. No. 112, "An act to establish a ferry across Platte river at Kearney city."

Are correctly enrolled. **Mills S. Reeves**, Chairman.

The Committee on Engrossed and Enrolled Bills report

C. B. No 64, "An act to authorize L. T. Hill to keep a ferry at Ionia."

As correctly enrolled. R. W. **Furnas**.

On motion of Mr. Furnas,

The Council took a recess until 5 o'clock P. M.

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5 o'clock P. M.

Council met.

Mr. Furnas in the chair.

The President, Mr. Donelan, introduced

C. B. No. 126, "A bill for an act entitled 'An act to authorize district courts to appoint masters in chancery in place of those who have removed from their counties."

Mr. Little moved to reconsider the vote by which

C. B. No. "A bill for an act to authorize certain property to be re-conveyed to the corporate authorities of the town of Salem in Richardson county,"

Was indefinitely postponed.

Carried.

On motion of Mr. Little,

The bill was passed and title agreed to.

Mr. Collier introduced

C. B. No. 127, "A bill for an act to provide for the payment of certain expenses,"

Read first time.

C. B. No. 77, "Joint resolution for the determination of the claims of the code commissioners of 1855, and their clerks."

Together with the amendments of the House was taken from the desk.

On motion of Mr. Dundy,

The Council concurred in the amendments of the House.

H. F. No. 126, "An act authorizing Wm. George Hollins and associates to keep and run a ferry across the Loup Fork river at the mouth of Looking-Glass creek."

Read first time.

On motion of Mr. Little,

The bill was indefinitely postponed.

Message from the Executive:

EXECUTIVE CHAMBER,
Jan. 13th, 1860.

Mr. President:

I am instructed by the Governor to inform your honorable body that he has signed and approved the following bills:

"An act to incorporate the Omaha savings institution."

"An act to organize West county, to define its boundaries and to locate the county seat thereof."

"An act to prevent trespassing on timber lands."

"An act to locate a territorial road in Cass county."

JOHN McCONIHE,
Private Secretary.

H. F. No. 128, "Joint resolution and memorial for a land grant."

Read first time.

On motion,

Rules suspended.

Bill read second and third time.

Passed and title agreed to.

H. F. No. 207, "Joint resolution authorizing the secretary to correct clerical errors in the laws."

Read first time.

On motion,

Rules suspended,

Bill read second and third time,

Passed and title agreed to.

H. F. No. 175, "A bill to locate and establish a territorial road, commencing at the junction of the Pappillon creeks thence to Omaha city."

Read first time.

On motion,

Rules suspended,

Bill read second and third time.

Passed, and title agreed to.

H. F. No. 145, "A bill for an act to amend the code of civil procedure."

Read second time.

On motion,

Read third time.

The ayes and nays demanded upon its passage.

Ayes—Messrs. Boykin, Furnas, Little, Porter, Reeves and Scott.—6.

Nays—Messrs. Collier, Cheever, Doane and Dundy.—4.

Bill passed,

On motion,

Title agreed to.

H. F. No. "Joint resolution for the relief of Tootle and Jackson."

Read first time.

On motion,

Rules suspended.

Bill read second and third time,

Passed and title agreed to.

Mr. Scott introduced

"Joint resolution for the relief of John Harback and Wm. E. Harvey, assistant clerks of the Council."

Read third time.

On motion,

Rules suspended.

Resolution read second and third time,

Passed and title agreed to.

H. F. No. 96, "A bill for an act to organize certain counties, define the boundaries and locate the county seats of the same."

Read first time.

H. F. No. 196, "A bill for an act to provide for a territorial board of equalization, consisting of one assessor from each organized county in Nebraska Territory."

Read first time.

H. F. No. 172, "A bill for an act to authorize John J. Tracey, John M. Hays to keep a ferry across the Missouri river at St. Johns city."

Together with the message from the House stating that the House refused to concur in the amendments of the Council thereto.

Were taken up.

On motion of Mr. Doane,

The Council insisted upon their amendments to the bill.

H. F. No. 166, "A bill for an act to dissolve the bonds of matrimony between Alexander McCartney and Bridget McCartney."

Read first time.

Mr. Little moved to indefinitely postpone the bill.

Lost.

Mr. Doane reported back

H. F. No. 137, "A bill for an act concerning the writ of *ad quod damnum.*"

And recommend its passage.

On motion,

The bill was read third time.

Passed and title agreed to.

Call of the Council demanded.

Messrs. Donelan and Scott absent.

On motion,

Sergeant-at-Arms despatched after absentees.

On motion,

All further proceedings under the call dispensed with.

Message from the Executive:

EXECUTIVE CHAMBER,
January 13th, 1860.

Mr. President:

I am instructed by the Governor to announce to your honorable body that he has signed and approved

"An act to define the boundaries of Nuckolls county."

JOHN MCCONIHE,
Private Secretary.

The select committee to which was referred

H. F. No. 35, "A bill for an act regulating the fees and salaries of certain officers,"

Recommend the adoption of the following amendments: In sec. 2, line 1, strike out the word "six" and insert "eight;" in same section, 5th line, strike out the word "five" and insert the words "one thousand;" and strike out all of sec. 17.

R. W. FURNAS,
THOMAS J. BOYKIN.

Message from the Executive:

EXECUTIVE CHAMBER,
January 13th, 1860.

Mr. President:

I am directed by the Governor to notify your honorable body that he has signed and approved the following bills:

"An act to authorize Henry Z. Chapman and J. Frank Coffman to keep a ferry."

"An act to legalize the collection of taxes in Cedar county for the year 1859."

JOHN MCCONIHE,
Private Secretary.

The Committee on Engrossed and Enrolled Bills ask leave to report that.

C. B. No. 83, "A bill for an act to confirm the title of W. A. Collins, John Sweezey, Randall A. Brown and Henry H. Vischer to certain real estate in the city of Omaha,"

And,

C. B. No. 55, "An act to amend an act to incorporate the city of Fort Calhoun."

And,

C. B. No. 122, "An act to incorporote the Beaver creek road and bridge company,"

Are correctly enrolled.

MILLS S. REEVES, Chairman.

C. B. No. 21, "A bill for an act to exempt the homestead and certain articles of personal property from forced sale on execution,"

Together with the amendments of the House thereto, was taken from the table.

Mr. Reeves moved to concur in the amendments of the House.

Pending which

Mr. Little moved to consider the bill section by section.
Lost.
Question being upon the motion to concur.
It was
Carried.

Mr. Scott offered the following resolution which was unanimously adopted.

Resolved, That the thanks of this Council are eminently due and are hereby tendered to our presiding officer, the Hon. E. A. Donelan, for the able and impartial manner in which he has discharged the duties devolving upon him during the present session.

Mr. Collier introduced the following resolution which was unanimously adopted:

Resolved, That the thanks of this body are due and hereby tendered to Sterrit M. Curran, Chief Clerk of the Council, and E. A. Allen, Assistant Clerk, William S. Walker and O. C. Burnham, Engrossing and Enrolling Clerks for the able and efficient manner in which they have discharged the duties of their respective offices during the present session.

Call of the Council demanded.

Messrs. Collier and Reeves absent.

On motion,
Sergeant-at Arms despatched after absentees.
On motion,
All further proceedings under the call dispensed with.
H. F. No. 93, "A bill for an act to incorporate a seminary to be located in the city of Florence, Douglas county, N. T."
Read third time.
Ayes and nays demanded upon its passage.

Ayes—Messrs. Boykin, Cheever, Dundy, Furnas, Reeves and Scott.—6.
Nays—Messrs. Collier, Little and Porter.—3.

Bill passed,
On motion,
Title agreed to.
C. B. No. 100, "A bill for an act to amend certain sections of the civil code."
Together with the reports thereon were taken from the table.
On motion,
The majority report was adopted.
On motion,
The bill was read third time.
Ayes and nays demanded upon its passage.

Ayes—Messrs. Collier, Cheever, Dundy, Little, Porter, Reeves and Scott.—7.

Nays—Messrs. Doane, and Furnas.—2.

Bill passed.

On motion,

Title agreed to.

H. F. No. 191, "Joint resolution and memorial."

Read third time.

Ayes and nays demanded upon its passage.

Ayes—Messrs. Boykin, Cheever, Dundy, Furnas, Porter, Reeves and Mr. President.—7.

Nays—Messrs. Collier, Doane, Little and Scott.—4.

Bill passed.

On motion,

Title agreed to.

Mr. Boykin introduced the following resolution which was unanimously adopted.

Resolved, That the thanks of the Council are due to and hereby given to J. Frank Coffman the Sergeant-at-Arms, and R. R. Kirkpatrick, doorkeeper, and Frank Lehmer, page, and Lewis Driscoll, fireman, to the Council, for the efficient manner in which they have respectively discharged the duties of their offices during the present session.

Mr. Boykin introduced

C. B. No. 127, "A bill for an act to provide for the selection of lands in lieu of sections 16 and 36, in cases where said sections or parts thereof have been sold."

Read first time.

On motion,

Rules suspended.

Read second and third time.

Passed and title agreed to.

Mr. Little moved to take up

H. F. No. 35, "A bill for an act regulating the fees and salaries of certain officers."

Mr. President ruled the motion out of order.

Mr. Little appealed from the decision.

The question now was shall the decision of the President be the sense of the Council.

Ayes and nays demanded:

Ayes—Messrs. Boykin, Collier, Dundy, Porter, Scott, Mr. Donelan.—6.

Nays—Messrs. Cheever, Doane, Little, Reeves.—4.

President sustained.

Message from the Executive:

EXECUTIVE CHAMBER,
January 13th, 1860.

Mr. President:

I am instructed by the Governor to announce to your honorable body that he has signed and approved the following bills:

"A joint resolution and memorial for the relief of King and Wood."

"An act to incorporate Western Star lodge No. 2, Free and Accepted Masons, at Nebraska city, N. T."

"An act to locate a territorial road in Cass county,"

"An act to locate a territorial road from Fort Calhoun in Washington county, to Fontenelle in same county."

"An act to provide for the settlement of the accounts of the county superintendents of common schools, and to investigate their official acts."

"An act to locate and establish a territorial road from Ionia to Fontenelle."

JOHN McCONIHE,
Private Secretary.

Message from the House:

HOUSE OF REPRESENTATIVES,
January 13th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House has passed,

H. F. No. 209, "A joint resolution making an appropriation for the payment of John Howard, James Van Dusen, S. C. Johnson, Alexander J. Burke and S. Belding, Enrolling and Engrossing Clerks in the House of Representatives."

And respectfully solicit your concurrence therein.

I am also instructed to return to your honorable body

C. B. No. 14, "A bill for an act to regulate elections."

The same having passed the House without amendment.

J. W. MOORE, Chief Clerk.

H. F. No. 209, "Joint resolution for the relief of the Engrossing and Enrolling Clerks of the House."

Read first time.

On motion,

Rules suspended.

Read second and third time.

Passed and title agreed to.

Message from the House:

HOUSE OF REPRESENTATIVES,
Friday, January 13th, 1860.

Mr. President:

I am instructed to return to your honorable body

C. B. No. 53, "A bill to prescribe a penalty for assault and battery, and to confer jurisdiction in certain cases upon justices of the peace."

I am also instructed to inform you that

C. B. No. 100, "A bill for an act to repeal certain sections of the civil code."

Has been indefinitely postponed by the House.

The House have also passed without amendment

C. B. No. 123, "A bill for an act to amend 'An act to incorporate the Omaha savings institution."

Also

C. B. No. 125, "Joint resolution."

The House has also passed

H. F. No. 207, "A bill for an act to amend the code of civil procedure, approved Nov. 1st, 1858." J. W. Moore, Chief Clerk.

C. B. No. 14, "A bill for an act to regulate elections."

Together with the amendments of the House was taken from the table.

Mr. Dundy moved to concur in the amendments of the House.

Ayes and nays demanded.

Ayes—Messrs. Cheever and Dundy.—2.

Nays—Messrs. Boykin, Doane, Furnas, Little, Porter, Scott—6.

Lost.

H. F. 207, "An act to amend the code of civil procedure, approved Nov. 1st, 1858."

Read first time.

On motion of Mr. Little,

The bill was indefinitely postponed.

Mr. Little moved to take a recess for 15 minutes.

Carried.

And at 9 o'clock and 45 minutes the Council took a recess.

---

10 o'clock P. M.

Council met.

Mr. Boykin in the chair.

Call of the Council demanded.

Messrs. Little and Porter absent.

On motion,

Sergeant-at-Arms despatched after absentees.

On motion,

All further proceedings under the call dispensed with.

The Committee on Engrossed and Enrolled Bills ask leave to report that,

C. B. No. 77, "Joint resolution for the determination of the code commissioners of 1855 and their clerks."

And

C. B. No. 21, "An act to exempt the homestead and certain articles of personal property from forced sale on execution."

Are correctly enrolled and have been presented to the Governor for his approval. MILLS S. REEVES, Chairman.

The Committee on Engrossed and Enrolled Bills, report that

C. B. No. 123, "An act to amend 'An act to incorporate the Omaha savings institution.'"

Are correctly enrolled.

Mr. Little moved to reconsider the vote by which

H. F. No. 97, "An act to establish a ferry across the Missouri river at a point in Nebraska Territory, opposite the mouth of the Platte creek in Dakota Territory."

Was indefinitely postponed.

Carried.

On motion,

The bill was referred to a select committee of one composed of Mr. Little.

The select committee of one to which was referred

H. F. No. 97, "An act to establish a ferry across the Missouri river, at a point in Nebraska Territory opposite the mouth of Platte creek in Dakota territory."

Having had the same under consideration report the bill back with the following amendment: add at the end of the second section the words "Provided, That the Legislature shall have the right at any time hereafter to alter, amend or repeal this act."

And recommend its passage as amended. W. A. LITTLE.

Report adopted.

On motion,

The bill was read third time.

Passed and title agreed to.

Message from the Executive:

EXECUTIVE CHAMBER,
Friday, January 13th, 1860.

Mr. President:

I am instructed by the Governor to inform your honorable body that he has signed and approved the following bills:

"An act to exempt the homestead and certain articles of personal property from forced sale on execution.

"A joint resolution for the determination of the claims of the code commissioners of 1855, and their clerks."

"An act to amend 'An act to incorporate the Omaha savings institution,' approved January 13th, 1860." JOHN MCCONIHE,
Private Secretary.

Mr. Donelan introduced

C. B. No. 129, "A bill to provide for the assessment and levying of taxes."

Read first time.

On motion,

Rules suspended,

Bill read second and third time.

Passed and title agreed.

H. F. No. 84, "A bill for an act to amend an act respecting juries."

Read first and second time,

Mr. Dundy offered the following resolution:

Resolved, By the Council and House of Representatives of the Territory of Nebraska, that at 12 o'clock to-night the Legislative Assembly of Nebraska will adjourn *sine die.*

On motion,

Resolution adopted.

Message from the House.

HOUSE OF REPRESENTATIVES,
January 13th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House has passed the following bill, and respectfully request your concurrence therein:

H. F. No. 84, "A bill for an act entitled 'An act to amend an act respecting juries.'"

I also return to your honorable body,

C. B. No. 127, "A bill to provide for the selection of lands in lieu of sections 16 and 36, in cases where said sections, or parts thereof, have been sold;"

And,

C. B. No. 126, "A bill for an act entitled 'An act to authorize the district courts to appoint masters in chancery in place of those who have removed from their counties.'"

The same having passed the House without amendment.

I am also instructed to inform you that the amendments proposed by the Council to

H. F. No. 119, "A bill for an act to incorporate the town of Marietta,"

Have been concurred in by the Council.

J. W. MOORE, Chief Clerk.

Mr. Dundy moved to take up the

"Bill for an act to prohibit slavery or involuntary servitude in the Territory of Nebraska,"

Together with the Governor's veto message."

Pending which.

Call of the Council demanded.

Messrs. Collier, Doane, Cheever and Scott absent.

On motion,

Sergeant-at-arms despatched after absentees.

On motion,

All further proceedings under the call dispensed with.

Mr. Scott introduced

C. B. No. 130, "A bill for an act to regulate toll upon certain bridges,"

Read first time.

H. F. No. 84, "A bill for an act entitled 'An act to amend an act respecting juries."

Read third time.

On motion,

Passed and title agreed to.

The question recurring upon the motion to take from the table "A bill to prohibit slavery."

Ayes and nays demanded.

Ayes—Messrs. Boykin, Cheever, Doane, Dundy, Porter, Reeves.—6.

Nays—Messrs. Collier, Furnas, Little, Scott and Mr. President—5.

Carried.

The question now was shall the bill pass, the Governor's veto to the contrary notwithstanding.

On motion of Mr. Furnas,

The whole subject matter was indefinitely postponed.

Message from the House:

House of Representatives,
Friday, Jan. 13th, 1860.

Mr. President:

I am instructed to inform your honorable body that the House has passed

H. F. No. 157, "Memorial and joint resolution relative to the indemnifying certain citizens of Nebraska for losses sustained by the location of the Pawnee reservation."

I am also instructed to return to your honorable body,

C. B. No. 108, "An act in relation to jurors' fees."

The same having passed the House without amendment.

Also,

C. B. No. 47, "A bill for an act fixing the salary of district attorneys and providing for the payment of the same."

The same having passed the House with the amendments thereto attached.

Also to ask your concurrence in

H. F. No. 210, "A joint resolution relative to adjournment."

J. W. Moore, Chief Clerk.

Message from the Executive:

Executive Chamber,
January 13th, 1860.

Mr. President:

I am instructed by the Governor to inform your honorable body that he has signed and approved

"An act to establish a ferry across the Platte river at Kearney City, Nebraska Territory."

"An act to incorporate the South Pass bridge company."

"An act to incorporate the Platte city bridge company."

John McConjhe,
Private Secretary.

The Committee on Enrolled and Engrossed Bills ask leave to report that

C. B. No. 53, "An act to provide a penalty for assault and battery and to confer jurisdiction in certain cases upon justices of the peace."

C. B. No. 127, "An act to provide for the selection of lands in lieu of sections 16 and 36 in cases where said sections or part thereof have been sold."

C. B. No. 126, "A bill for an act to authorize the district courts to appoint masters of chancery in place of those who have removed from their counties."

C. B. No. 125, "An act to provide for the payment of John A. Horback and William E. Harvey."

And

C. B. No. 188, "An act relative to jurors."

Are correctly enrolled. MILLS S. REEVES, Chairman.

President in the chair.

Mr. Boykin moved that a committee of two be appointed to inform the Governor that the Council was about to adjourn *sine die.*

Carried.

Messrs. Boykin and Furnas were appointed said committee.

Mr. Little moved to rescind numbers 25 and 29 of the standing rules of the Council.

Lost.

Mr. Dundy submitted the following joint resolution.

Resolved, By the Council and House of Representatives, that S. Belden have authority to obtain the use of the statutes of the legislative session of 1859 and 60, for the purpose of copying the same and collating and compiling the same, with the former acts of the Legislatures of Nebraska Territory and making an index thereto.

Laid over under the rules.

Message from the Executive:

EXECUTIVE CHAMBER,
Friday, January 13th, 1860.

Mr. President:

I am instructed by the Governor to inform your honorable body that he has signed and approved

"A joint resolution to pay the enrolling and assistant clerks."

"An act to provide for the selection of lands in lieu of sections 16 and 36, in cases where said sections or parts thereof have been sold.

"An act in relation to jurors' fees."

"An act to provide a penalty for assault and battery, and to confer jurisdiction in such cases upon justices of the peace."

JOHN MCCONIHE,
Private Secretary.

Mr. Little moved that the time of the session be extended one hour
Carried.

Mr. Reeves moved that a committee of two be appointed to inform the House that the Council was ready to adjourn *sine die.*

Carried.

Messrs. Reeves and Dundy were appointed said committee.

Mr. Doane offered the following resolution which was adopted.

Resolved, That nothing contained in the memorial to Congress for the relief of King and Wood, passed by the Council and House of Representatives at the present session, shall in any way be construed to commit the Territory in any future action upon the subject matter of said memorial to the amount prayed for in said memorial.

Message from the Executive:

EXECUTIVE CHAMBER,
January 13th, 1860.

Mr. President:

I am instructed by the Governor to announce to your honorable body that the following bills have received his signature and approval:

"An act to authorize Jacob M. Davis and A. C. Anderson to establish and keep a toll bridge and ferry across the Great Nemaha river in Richardson county."

"An act to authorize James Vanduzen and R. S. Parks to keep and run a ferry across the North fork of Platte river adjoining the Fort Laramie reservation."

"An act to authorize Loren T. Hill to keep a ferry across the Missouri at Ionia in Dixon county."

JOHN McCONIHE,
Private Secretary.

The Committee appointed to inform the House that the Council was ready to adjourn *sine die,* reported that they had discharged their duty, and informed the Council that the House would be ready to adjourn in 15 minutes.

Report received.

Committee discharged.

A committee of five appeared from the House and informed the Council that the House would be ready to adjourn in 15 minutes.

The hour of 12 o'clock P. M., having arrived at which hour both houses agreed to adjourn.

The President declared the Council adjourned *sine die.*

EDMUND A. DONELAN,
President of the Council.

Attest,
S. M. CURRAN, Chief Clerk.

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